SOUTHERN DISTRICT OF NEW YOR	K
CELTIC WOMAN LTD.,	
Plaintiff,)
v.) Civil Action No. 08-CV-0066
CELTIC THUNDER, LTD., CELTIC MAN LTD., SHARON) DECLARATION OF DAVID) <u>KAVANAGH</u>
BROWNE, WLIW LLC, ALIGN ENTERTAINMENT GROUP L) .LC,)
and GUSTAVO SAGASTUME,	
Defendants.)
	·

STATES DISTRICT COLDT

David Kavanagh, under penalty of perjury, pursuant to 28 U.S.C. § 1746, declares:

1. I am the Chief Executive Officer and largest shareholder of plaintiff, Celtic Woman Ltd. I also am the Chief Executive Officer and sole owner of Liffey Records Ltd. The information herein is based upon my own personal knowledge and my review of corporate records.

Nature of the Claim and Injury

- 2. Celtic Woman Ltd. is the owner and producer of the highly acclaimed internationally recognized musical stage production known as CELTIC WOMAN. The production features five female singers performing a mix of traditional Celtic, classical, theatrical and popular music, and is performed in a large theatrical setting supported by orchestral and choral ensembles and enhanced by highly professional and complex stage and lighting designs.
- 3. The CELTIC WOMAN production has spawned a variety of stage performances that have resulted in a series of enormously popular and hugely successful CDs and DVDs,

including three CELTIC WOMAN albums: *Celtic Woman, Celtic Woman: A Christmas*Celebration and Celtic Woman: A New Journey released on the Manhattan Records label of EMI

Music. The three albums have sold more than 2.3 million copies in the United States. True and accurate copies of these CDs are attached as Exhibits 1, 2, and 3.

- 4. The recorded performances contained on the three CELTIC WOMAN recordings have also been released and sold as audiovisual DVDs, which have sold over 750,000 copies in the United States. True and accurate copies of the corresponding DVDs are attached as Exhibits 4, 5, and 6.
- 5. The CELTIC WOMAN show has been performed extensively in theaters and at venues throughout the United States.
- 6. By way of background, in 2003, a company known as Celtic Collections Ltd. then owned by Defendant Sharon Browne ("Browne") and Declan Browne, designed the concept of CELTIC WOMAN as a means to promote some of its female recording artists. At the time, CELTIC WOMAN was merely a name given to a compilation of recorded solo performances of musical compositions by various female artists. At the same time, Celtic Collections Ltd. had an idea for a companion concept known as CELTIC MAN. Attached hereto as Exhibit 7 is a true and accurate copy of Sharon Browne's "MySpace" profile in which she describes the simultaneous conception of the CELTIC WOMAN and CELTIC MAN concepts and her decision to reserve the development of the CELTIC MAN concept for the future.
- 7. On July 27, 2004, my company, Liffey Records Limited ("Liffey Records"), purchased from Defendant Browne all the shares of Celtic Collections Ltd. for 850,000 Euros (the 2004 equivalent of \$1,036,000.11 US) in a "Stock Purchase Agreement." This stock purchase included all of the assets and liabilities of Celtic Collections Ltd., including all

intellectual property rights to the names and concepts CELTIC WOMAN and CELTIC MAN. A true and accurate copy of the Stock Purchase Agreement is attached as Exhibit 8.

- In conjunction with this acquisition, Defendant Browne continued as an employee 8. of the newly-acquired Celtic Collections Ltd. under the ownership of Liffey Records, and remained an employee of Celtic Collections Ltd. until December 31, 2006. During the term of her employment with Celtic Collections Ltd., Browne worked on the development and marketing of the CELTIC WOMAN show with a team of producers, composers, performers, and promoters which transformed the CELTIC WOMAN concept into a full-scale theatrical production uniquely presenting Celtic music in a grand theatrical setting. During that same period, it was discussed and agreed that the companion concept CELTIC MAN would not be developed until possibly at a later point in time when the CELTIC WOMAN production had achieved widespread success.
- Since our company's acquisition of Celtic Collection Ltd. in 2004, and during the 9. term of Browne's employment with Celtic Collections Ltd., the CELTIC WOMAN show has flourished and achieved international recognition and acclaim, including widespread popularity in the United States.
- Following her departure from our company, Browne and her collaborators 10. proceeded to pursue a project named CELTIC MAN that replicated the CELTIC WOMAN production in a masculine format, which features five male singers similarly performing a mix of traditional Celtic, theatrical and popular music in a large theatrical setting with an orchestra, choral singers, and complex stage and lighting designs. Defendants also are using Celtic Woman Ltd.'s trademark CELTIC WOMAN to promote their CELTIC MAN show without permission from us. As described herein, Defendants' actions have caused enormous actual confusion and

will continue to cause widespread deception and confusion throughout the trade and among the general public by casting the misleading impression that CELTIC MAN is sponsored by, affiliated with, or associated with the famous CELTIC WOMAN production. Defendants are wrongfully trading off the name and reputation of CELTIC WOMAN as a springboard for the marketing of CELTIC MAN, in order to ensure its successful entry into the United States marketplace. This deception irreparably harms the reputation of CELTIC WOMAN by, among other things, causing it to be dependent upon and affected by the success or failure of another substantially similar Celtic production with which it has no association, and fraudulently deceives the same market of PBS station and viewers that have been the core fan base for the CELTIC WOMAN show in the United States.

- 11. What makes matters worse is that the injury to CELTIC WOMAN is being perpetrated by CELTIC MAN, a property that our organization acquired from Celtic Collections Ltd., which we took steps to protect during Browne's term of employment with us, and that Browne wrongfully misappropriated when she departed our company.
- 12. I respectfully beg the Court to restrain the continuing wrongful association of CELTIC MAN with CELTIC WOMAN that threatens to irreparably harm the hard-earned and invaluable reputation and goodwill of CELTIC WOMAN by misleading the public to believe that CELTIC WOMAN and CELTIC MAN emanate from the source. As more particularly described herein, such irreparable harm has occurred as the result of actual confusion among the Public Broadcasting System ("PBS") delegation at a recent national conference where a CELTIC MAN promotional DVD with an opening on-screen credit to Browne was distributed, a press release dated December 11, 2007 for the new CELTIC MAN show, a recent full-page advertisement for the CELTIC MAN show in the *Current Newspaper* (which is directed to

public television and radio stations in the United States) -- all of which wrongfully associate the CELTIC MAN show with CELTIC WOMAN -- and most recently a three-story advertisement of the CELTIC MAN show on a billboard in Times Square. This irreparable harm will be expanded in a devastating manner in March 2008 when a PBS station, defendant WLIW LLC, is scheduled to broadcast the new CELTIC MAN show.

Background

- 13. On September 15, 2004, following our acquisition of Celtic Collections Ltd. from Defendant Browne, and under the auspices of our newly acquired company, the first stage show entitled "Celtic Woman" was filmed for PBS television at The Helix Theater in Dublin, Ireland to a capacity audience.
- 14. On January 4, 2005, Liffey Records and Celtic Collections Ltd. assigned all rights in the CELTIC WOMAN production to Celtic Woman Ltd., a company we formed specifically for the purpose of developing and marketing CELTIC WOMAN.
- 15. On March 1, 2005, the CELTIC WOMAN debut album entitled *Celtic Woman* was released on CD and DVD through EMI Music's "Manhattan Records" label. (Exhibits 1, 4 hereto). *Celtic Woman* reached number one on Billboard's World Music Chart, eventually breaking a long-standing record on July 22, 2006 by staying at number one for 68 weeks. *Celtic Woman* held the number one position on the World Music Chart for a total of 81 weeks.
- 16. Also in March 2005, the CELTIC WOMAN stage show recorded at The Helix Theater in September 2004 (Exhibit 4 hereto) was broadcast on numerous PBS stations throughout the United States.
- 17. At the same time, I had several discussions with Defendant Sharon Browne, who was then an employee of Celtic Collections Ltd., regarding the pursuit of the natural extension

CELTIC MAN. Browne was present at this meeting in her capacity as an employee of Celtic Collections Ltd. In these discussions and meetings, it was determined that the CELTIC MAN concept would not be pursued at that time. Thereafter, on May 26, 2006 and November 2, 2006, respectively, Celtic Woman Ltd. obtained registrations for the domain names <celticman.eu> and <celticman.com> in contemplation of producing a stage show by the name CELTIC MAN in the future after CELTIC WOMAN had been firmly established.

- In July 2006, Browne tendered an offer to resign as an employee of Celtic 18. Collections Ltd., which resignation became effective on December 31, 2006. During the period July 2006 through December 2006, Browne, while technically employed by Celtic Collections Ltd., no longer performed services for Celtic Collections Ltd.
- On October 19, 2006, a second CELTIC WOMAN album entitled "Celtic 19. Woman: A Christmas Celebration" was released (Exhibit 2 hereto). This album debuted at number one on the World Music Chart, bumping the first CELTIC WOMAN album to number two on the chart.
- Two months earlier, in August 2006, the TV special entitled "Celtic Woman: A 20. New Journey: Live at Slane Castle" was filmed at Slane Castle on the banks of the Boyne River. This TV special premiered on PBS on December 6, 2006 with more than 90% of all PBS stations broadcasting during PBS's December 2006 pledge period, and set fundraising records for the stations.
- On January 30, 2007, a third CELTIC WOMAN album entitled "Celtic Woman: A 21. New Journey" was released (Exhibit 3 hereto), which debuted at number one on the World Music Chart and number four on the Billboard Top 200 Music Chart.

- 22. CDs and DVDs of CELTIC WOMAN productions have sold over 3 million copies in the United States. The album *Celtic Woman* has gone platinum in the U.S. (selling over 1 million copies), and the albums *Celtic Woman: A Christmas Celebration* and *Celtic Woman: A New Journey* have attained gold status (selling over 500,000 copies). DVDs of three CELTIC WOMAN shows have sold over 750,000 copies in the United States.
- 23. To date, there have been six triumphant CELTIC WOMAN tours in the United States, which have sold out venues such as New York's Radio City Music Hall and Carnegie Hall, Boston's Opera House and Los Angeles' Greek Theatre.
- 24. The March 2005 PBS Special of the CELTIC WOMAN show recorded at the Helix Theater has aired over 3,400 times on 316 different PBS stations since its debut.
- 25. The performers in the CELTIC WOMAN show have appeared on many television shows with nationwide audiences such as *The Today Show*, *Live with Regis & Kelly*, *The Megan Mullaly Show*, *The Martha Stewart Show* and on *Brian Boitano's NBC Skating Spectacular on New Year's Day 2007*.
- 26. On March 17, 2007, the CELTIC WOMAN show was performed at the White House in front of President Bush and his guests at a St. Patrick's Day celebration.
- 27. CELTIC WOMAN has an active presence on the Internet. Celtic Woman Ltd. acquired the <celticwoman.com> domain name and has operated a website at this Internet address since at least as early as March 2005. The CELTIC WOMAN name and mark is prominently featured on Celtic Woman Ltd.'s website and has been so featured since it went live.
- 28. The CELTIC WOMAN branded website receives an average of 35,000 to 42,000 hits per week, and had 215,920 visitors and 1,427,950 "pageviews" in December 2007 alone.

- 29. Celtic Woman Ltd. uses its CELTIC WOMAN website to advertise and promote CELTIC WOMAN CDs and DVDs and provide information about upcoming appearances, concerts and tours. The website also provides information about CELTIC WOMAN performers and permits consumers to purchase CELTIC WOMAN branded products such as concert programs, t-shirts, coffee mugs, key chains, posters, paperweights, bookmarks, and other related merchandise.
- 30. To date, Celtic Woman Ltd. has sold over 4,500 items of CELTIC WOMAN branded merchandise to consumers in the United States through its <celticwoman.com> website. These sales do not include sales of CELTIC WOMAN branded merchandise during CELTIC WOMAN tours or through other channels of trade.
- 31. The enormous success of CELTIC WOMAN was achieved through a huge expenditure of time and money by Celtic Woman Ltd., which has spent approximately \$10 million to produce and promote CELTIC WOMAN tours, television broadcasts, CDs, DVDs, and merchandise.
- 32. The popularity of CELTIC WOMAN in the United States also was due in substantial part to the national exposure it received each year through PBS television station broadcasts, where CELTIC WOMAN set fundraising records for pledge drives and developed a national following.
- 33. Celtic Woman Ltd. continues to promote CELTIC WOMAN with tours planned throughout Western Europe and new recordings.

Plaintiff's Registration of the CELTIC WOMAN Trademark and Attempt to Register the CELTIC MAN Mark

34. Celtic Woman Ltd. owns the following United States trademark registrations issued on the Principal Register:

8

<u>Mark</u>	Reg. No.	Reg. Date	Goods
CELTIC WOMAN	3,290,299	9/11/2007	Series of musical sound recordings and prerecorded compact discs, videotapes, CD-ROMs, DVSs, all featuring music and/or dance; downloadable audio and video recordings featuring music and/or dance.
CELTIC WOMAN	3,290,300	9/11/2007	Printed matter, paper and stationery products, namely, posters, poster books, calendars, concert souvenir programs, stickers, bumper stickers, decals, postcards, picture postcards, stationery, photographs, printed paper signs, and tickets.
CELTIC WOMAN	3,306,488	10/9/2007	Clothing, namely, shirts, polo shirts, T-shirts, athletic uniforms, tops, sweat pants, jackets, caps, hats, aprons, scarves, singlets, socks, loungewear.

- 35. True and accurate copies of the above trademark registration certificates are attached as Exhibits 9, 10, and 11.
- 36. On May 3, 2007, Celtic Woman Ltd. filed four United States trademark applications for the mark CELTIC MAN with the United States Patent and Trademark Office ("PTO"), which are currently blocked due to the prior application for the same mark by Defendant Browne.

Defendants' CELTIC MAN Show

37. In March 2007, I learned that the Company Register Office ("CRO") in Dublin, Ireland had issued the company name "Celtic Man Ltd." Upon information and belief, Browne is the Director of Celtic Man Ltd.

- 38. In or around March or April 2007, I also learned that Browne was intending to replicate the CELTIC WOMAN stage production in Ireland using males as featured performers under the tentative working title CELTIC MAN.
- 39. On April 4, 2007, Celtic Woman Ltd. objected to Defendant Browne's company being formed under the name Celtic Man Ltd. on the grounds that such name is confusingly similar to Celtic Woman Ltd. and would cause confusion among the general public and suppliers. The letter also informed the CRO that Celtic Woman Ltd. owns the domain name celticman.com which is identical to the company name Celtic Man Ltd., and that Browne, the director of Celtic Man Ltd., was formerly an employee of Celtic Collections Ltd. A true and accurate copy of the letter of objection is attached as Exhibit 12.
- 40. Attorneys in Ireland for Celtic Woman Ltd. immediately sent a letter to Browne on April 11, 2007, demanding that she "cease and desist from all of the breaches of our client's intellectual property rights . . . and in any way attempting to associate yourself on a current basis with the very successful stage show, Celtic Woman," and to not use "the Celtic Woman trademark to promote any products or services in the live stage or audio or audio visual areas of activity." A true and accurate copy of this letter is attached as Exhibit 13.
- 41. On April 19, 2007, our attorneys in Ireland sent another letter to Browne to address an Irish newspaper report stating that Browne had teamed up with Phil Coulter to embark on a search for talent singers to form a group called "Celtic Man" and to address Browne's registration of the domain name <celticman.ie.>. Among other things, this letter informed Browne that Celtic Woman Ltd. already had registered the domain name <celticman.com> while Browne was an employee of Celtic Collections Ltd and that Browne had "no right to propose using the name Celtic Man in connection with the promotion of a group of

performers whether for the purposes of live stage shows or for sound or audiovisual recordings or otherwise." The letter further demanded that Browne cancel or transfer her registration to <celticman.ie>. Finally, the letter informed Browne that Celtic Woman Ltd. owned the "rights to trading name Celtic Man." A true and accurate copy of this letter is attached as Exhibit 14.

- 42. On April 26, 2007, our attorneys in Ireland sent another letter to Browne, again demanding that she "cease and desist from all breaches of our client's intellectual property rights . . . and from giving any impression that . . . [she] is working with or for Celtic Woman or in any way attempting to associate herself on a current basis with the very successful stage [show] of Celtic Woman." A true and accurate copy of this letter is attached as Exhibit 15.
- 43. In March, May, June and November 2007, Browne registered the domain names <
- 44. On June 19, 2007, our attorneys in Ireland sent two additional letters to Browne, that, among other things, demanded that she transfer registrations for the domain names set forth above. True and accurate copies of these letters are attached as Exhibits 19 and 20.
- On June 22, 2007, following Celtic Woman Ltd.'s objection to the registration of Celtic Man Ltd. and the letters referred to above, Browne registered the company name "Celtic Thunder Limited" with the CRO. A true and accurate copy of this registration is attached as Exhibit 21.
- 46. On July 31, 2007, the PTO issued an Office Action denying Celtic Man Ltd.'s prior application to register CELTIC MAN as a trademark in the United States on the grounds that such mark is confusingly similar to Celtic Woman Ltd.'s registered trademark CELTIC

WOMAN for virtually identical entertainment activities and related merchandise. A true and accurate copy of the PTO Office Action issued July 31, 2007 is attached as <u>Exhibit 22</u>.

- 47. On October 3-5, 2007, I attended a PBS Development Conference in Palm Desert, California (the "Conference") for the purpose of promoting an upcoming CELTIC WOMAN tour in the United States. The Conference was attended by 800-900 people, comprised of representatives and television programmers from hundreds of independent PBS stations in the United States, and people seeking to sell goods and services to PBS stations.
- 48. CELTIC WOMAN had a booth at the Conference, which was operated by me, as well as Jonathan Hochwald and Maggie Seidel of Madstone Productions, the North American Tour Promoter for the CELTIC WOMAN show.
- 49. At the Conference, defendant WLIW distributed a promotional DVD and other promotional materials regarding the CELTIC MAN production (the "CELTIC MAN Promo Video") that caused widespread mistaken belief among the PBS delegate stations in attendance that the CELTIC MAN production was Celtic Woman Ltd.'s new project. Approximately 50 PBS delegates approached the CELTIC WOMAN booth expressing actual confusion over the association of CELTIC WOMAN and CELTIC MAN, and I spent most of my time at the conference attempting to dispel the confusion among the delegates that the CELTIC MAN and CELTIC WOMAN productions were associated.
- 50. During the Conference, approximately 50 different PBS delegates approached the CELTIC WOMAN booth and made statements such as:
 - Do you have any more information on CELTIC MAN?
 - We saw the materials for your new show.
 - Don't you think concepts are too close to one another to work?

- Is there going to be a tour with tickets?
- Is it the same kind of music?
- Can we expect the same deal?
- Congratulations on your new show.
- These PBS delegates had mistakenly assumed that CELTIC MAN was associated 51. with, sponsored by, or affiliated with CELTIC WOMAN and Celtic Woman Ltd. They had assumed the CELTIC MAN was a "spin-off" of CELTIC WOMAN.
- When Mr. Hochwald, Ms. Seidel, or I informed the PBS delegates that CELTIC 52. MAN and CELTIC WOMAN were not affiliated, and that we did not know any details about the CELTIC MAN show, the PBS delegates reacted with incredulity and amazement. The PBS delegates told us that they could not believe that CELTIC MAN and CELTIC WOMAN were not affiliated because the names, entertainment services and products and genre of music were so similar.
- The CELTIC MAN Promo Video that makes prominent use of the trademark 53. CELTIC WOMAN as well as prominent use of CELTIC MAN, includes an opening screen credit that recites the following:

Frame 1:

CELTIC MAN

IN CELTIC THUNDER THE SHOW

Frame 2:

BROUGHT TO YOU BY WLIW AND PEP

Frame 3:

AND SHARON BROWNE, ORIGINAL CREATOR AND PRODUCER OF CELTIC WOMAN

A true and accurate copy of the CELTIC MAN Promo Video distributed to the PBS delegates at the Conference is attached as Exhibit 23. It advertises a debut performance of CELTIC MAN scheduled to be aired in the United States by Defendant WLIW in March 2008.

- 54. Defendants' use of the name CELTIC MAN caused enormous actual confusion among the PBS delegates at the Conference. Confusion among such experienced knowledgeable people in the industry makes it a virtual certainty that the general public, viewing the scheduled CELTIC MAN PBS Special in March 2008, will be similarly misled to believe that the CELTIC MAN production is sponsored by, associated with, or affiliated with CELTIC WOMAN and Celtic Woman Ltd.
- 55. Following the Conference in October, Celtic Woman Ltd. repeatedly consulted with its attorneys in the United States concerning the events that occurred at the Conference. From this time to the present, representatives from Celtic Woman Ltd. and its affiliates, including me, have consulted with our attorneys in the United States, investigated and gathered facts and relevant documents, and helped our United States attorneys prepare the above-captioned lawsuit. In addition, we took various actions to oppose Defendant Browne's community trademark application in the European Union.
- on November 2, 2007, Celtic Woman Ltd. notified Browne that it would "aggressively act to protect our interests in the event that your project infringes on the Celtic Woman trademarks, or if there is any suggestion that Celtic Woman is promoting, presenting, supporting or otherwise connected to your show." A true and accurate copy of this email is attached as Exhibit 24. In response, on November 4, 2007, Browne assured us that "[T]here will be no association with Celtic Woman and my new show. Believe it or not I want it that way too." A true and accurate copy of this email is attached as Exhibit 25.
- 57. On or around November 20, 2007, the Registrar of Companies in Ireland denied Browne's application to use "Celtic Man Limited" as a company name, and found that the name Celtic Man Limited would have to be changed so as not to infringe on the rights of Celtic

Woman Limited. A copy of a letter from Complete Registrations Limited is attached as Exhibit <u>26</u>.

- On December 11, 2007, notwithstanding Browne's prior assurances in November, 58. defendants issued a major press release announcing the CELTIC MAN performing group and stage show. The title of the press release is "Creator of the Best Selling Irish Musical Phenomenon 'Celtic Woman' Launches Brand New Show." A true and accurate copy of this press release is attached as Exhibit 27.
- I recently learned that a full-page advertisement for the CELTIC MAN show was 59. placed by Defendants in the Current Newspaper, a newspaper directed to the public broadcast industry with a paid circulation of 5,000 to 6,000 copies and a readership estimated at twice that number including program buyers, managers, producers, educational specialists, fundraisers and other professionals in public television and radio in the United States, as well as a variety of independent producers, state and federal policymakers, station trustees and others - in other words, the heart of the United States market for the CELTIC WOMAN show. This advertisement prominently states that the CELTIC MAN show is "from the creator of CELTIC WOMAN." A true and accurate copy of the Current Newspaper advertisement is attached as Exhibit 28.
- This advertisement, as well as the December 11, 2007 press release, directly 60. contradicts Browne's explicit promise to Celtic Woman Ltd. in November that she would not be using CELTIC WOMAN to advertise, market and promote the CELTIC MAN show.
- Browne's "My Space" profile on MySpace.com prominently references our 61. CELTIC WOMAN trademark and contains unauthorized CELTIC WOMAN recordings that

visitors to Browne's MySpace page can listen to. A true and accurate copy of Browne's "My Space" profile is attached as Exhibit 29.

- Defendants also recently placed huge billboard advertisements in New York's 62. Time Square for the CELTIC MAN show. A true and accurate photograph of this advertisement from Defendants' Celtic Man website is attached as Exhibit 30.
- Defendants' name CELTIC MAN is virtually identical to Plaintiff's registered 63. trademark CELTIC WOMAN, and those trademarks are being used in connection with virtually identical entertainment shows featuring the same narrow genre Celtic music in a large theatrical setting. Moreover, Defendants' CELTIC MAN show, future tours, and related CDs, DVDs, and merchandise will be sold to the same market of consumers as Plaintiff's CELTIC WOMAN show, tours, and related CDs, DVDs, and merchandise. Additionally, CELTIC MAN will be marketed through the same channels of trade as CELTIC WOMAN - PBS television broadcasts, concert venues, the Internet, and retailers. This has already caused enormous actual confusion among the PBS delegates at the Conference. It is highly likely that the general public as well as booking agents, theaters, arenas, and the press will be similarly misled to believe that CELTIC MAN is sponsored by, affiliated with, or associated with CELTIC WOMAN and Celtic Woman Ltd.
- The likelihood of confusion is made even more certain by Defendants' 64. unauthorized use of Plaintiff's registered trademark CELTIC WOMAN to promote their CELTIC MAN show as they did in the previously-described opening screen credit of the CELTIC MAN Promo Video, the December 11, 2007 press release, the advertisement in the Current Newspaper, the three-story advertisement in New York's Times Square, and on Browne's "My Space" profile.

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- 65. Defendants are attempting to create a false association with CELTIC WOMAN as a platform from which to launch an unrelated show.
- 66. Plaintiff has no control over the quality of Defendants' CELTIC MAN show. As a consequence, the favorable reputation and goodwill that Celtic Woman Ltd. has developed in its valuable CELTIC WOMAN trademark is at risk because it is now dependent upon the success or failure of another show with which it has no affiliation. Moreover, the CELTIC MAN show fraudulently deceives the core fan base that CELTIC WOMAN has established over the years.
- 67. Plaintiff has suffered and will continue to suffer irreparable harm to its invaluable trademark CELTIC WOMAN as a result of Defendants' actions.
- 68. Defendants should be prohibited from using the marks CELTIC MAN and CELTIC WOMAN to identify or describe their new show.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on January 10, 2008

David Kavanagh

CELTIC WOMAN

CD

CELTIC WOMAN: A CHRISTMAS CELEBRATION CD

<u>CELTIC WOMAN: A NEW JOURNEY</u>
<u>CD</u>

CELTIC WOMAN DVD

CELTIC WOMAN: A CHRISTMAS CELEBRATION: LIVE FROM DUBLIN DVD

CELTIC WOMAN: A NEW JOURNEY: LIVE AT SLANE CASTLE, IRELAND DVD

Sharon is in your extended network

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Sharon's Blurbs

others. Sharon was the originator and Producer of CELTIC WOMAN. It was a

female vocalists such as Chloe, Meav, Lisa, Aine Furey, Aoife, Rua and

change in her career, moving into creating and producing Television Shows and Live Tours along with the CD's and DVD's she was used to working on. And now, it's time for a new challenge. And that Challenge is CELTIC MAN.

Wolfetones, The Furey Bros & Davey Arthur, Bagatelle, Paddy Reilly, Jim Mc

independent and Irish owned label. Her focus moved to representing the catalogues of big Irish names such as Phil Coulter, The Dubliners, The venturing into more Contemporary Irish music and World music releasing albums of Clannad, Altan and Bohinta and began investing in young Irish

Cann etc throughout the world. Sharon further developed the label by

Sharon Browne has been working in the music business for over 20 years.

Her management buy in 1996 of K-Tel in Ireland created what was to

become Ireland's Premier Irish Music Label - Celtic Collections, an

Director and Composer of Original Material. CELTIC MAN will be filmed in Dublin in this summer for broadcast on PBS in the USA. A tour of the USA is currently being planned for the Spring of next year. See www.celticman.ie for

Concieved at the same time as Celtic Woman, it was always going to be her next step. Sharon is delighted that legendary Songwriter and Composer Phil Coulter has agreed to collaborate on Celtic Man as the show's Musical

Sponsored Links

MySpace.com - Sharon - 42 - Female - IE - www.myspace.com/sharonbrowne

10,000+ Ringtones! Get Free Ringtones With 9,99/m Subscription. Free BestRingDownloads.com Irish Ringtone

Download Ringtones directly to your cell! No Credit Card needed.
Celtic-Woman.bonustune.com Celtic Woman Ringtones

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Discover Ireland's Music Heritage Find Information On Irish Music www.DiscoverIreland.com/US Music in Ireland

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Sharon



SHARON BROWNE Producer'

42 years old Fernale Ireland Dublin

Last Login: 1/5/2008

View My: Pics | Videos

MySpace URL:

http://www.myspace.com/sharonbrowne

Sharon's Interests

Music

Caravan

The

Sharon has 12 friends.

Sharon's Friend Space

Who I'd like to meet:

more information

"KEITH&qu

Celticman

1/6/2008

http://www.myspace.com/sharonbrowne

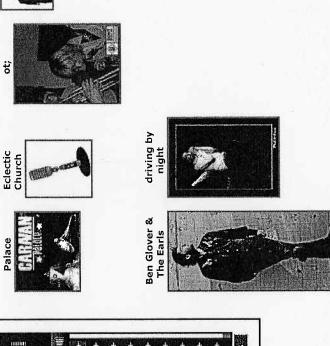
Single Aries

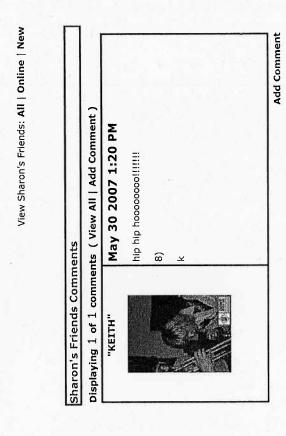
Zodiac Sign: Status:

Sharon's Details









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1/6/2008

1/6/2008

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MySpace.com - Sharon - 42 - Female - IE - www.myspace.com/sharonbrowne

THIS AGREEMENT is dated 27/7/04

PARTIES:

(1) LIFFEY RECORDS LIMITED, no. 337572, a limited liability company incorporated in Ireland whose registered office is at, 32 Lower Leeson Street Dublin 2 (the ''Purchaser''); and

(2)	Sharon Browne	501	Ordinary Shares or £1.27 each
	Declan Browne	499	Ordinary Shares or €1.27 each
		1 000	

BACKGROUND:

- (A) The Vendors are each registered and beneficial owners of the Shares in CELTIC COLLECTIONS LIMITED. Number 250264 of 30-32 Sir John Rogerson's Quay Dublin 2.
- (B) The Purchase has agreed with the Vendors to purchase all of the Shares on the terms and conditions of this Agreement.

TERMS

The parties agree as follows:

SALE & PURCHASE

The consideration for the sale and purchase of the shares shall be the amount of €850,000 plus/ minus any increase/decrease in the realisation of assets and a similar plus/minus in any increase/ reduction in the liabilities of creditors.

The figures are based on the management accounts to 22/6/07 and are set out as follows

fl

ASSETS

CURRENT ASSETS	105,991
701 Finished Goods	319,812
712 Trade Debtors	18,519
Debtors Accrual	(67,926)
713 Debtors Contra Provision	
715 Bad Debt Provision	(15,926)
716 Tax Due 3 rd Party Licensee	25,149 1,406
732 Other Debtors	1,400 520
733 Staff Loans	
736 Vat Repayable	223,207
751 Prepayements	71,266 61
772 Sterling Bank Account	
777 Bank Deposit Account	1,002
	683,081
	005,001
LIABILITIES	
CURRENT LIABILITIES	
741 Directors Current Account	1,986
801 Bank Overdraft	146,185
813 Trade Creditors	533,191
Creditors Accruals	63,396
814 Creditors Contra Provision	(67,926)
831 Corporation Tax	10,474
846 Paye Control Account	27,710
853 Lease Obligations	1,963
855 Ulster Bank Loan a/c 83887338	101,269
856 Ulster Bank Loan a/c 83887684	166,832
881 Accruals	24,910
	1,009,990

A

PAYMENT / TERMS

- Deposit on signing €130,000 (A)
- Further payment on account €256,000 to be agreed on the 31st August 2004 **(B)**
- Balance of purchase price to be agreed and a schedule commencing 1/1/05 with (C) the total purchase price deal to be completed by 31/7/05.

LIFFEY RECORDS LTD UNDERTAKE THE FOLLOWING:

- Provide €1,000,000 to cover the shortfall in cash. (A)
- Organize accounts function from 1/8/04 (B)
- Agreed 3 years package salary, bonus regarding Sharon Brown to be implements (C) from 1/1/05.

WARENTIES

ACCOUNTS

- The accounts given a true and fair view of state of affairs as at 22/6/04 and were (A) prepared in accordance with Companies Act 1963 to 2003.
- No unusual contracts and no litigation (B)
- Deed of Tax Indemnity (C)
- This agreement shall be Governed and construed in Accordance with the Laws of (D) Ireland.
- No Material adjustment to the management accounts as at 22/6/04 to 27/7/04. (E)

EXECUTED by the parties on the date appearing at the top of page 1.

SIGNED SEALED AND DELIVERED

by SHARON BROWNE

in the presence of:

SIGNED SEALED AND DELIVERED

by DECLAN BROWNE

in the presence of:

PRESENT when the Common Seal Of LIFFEY RECORDS LIMITED

was affixed hereto:

Menda f Lely

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,290,299

United States Patent and Trademark Office

Registered Sep. 11, 2007

TRADEMARK PRINCIPAL REGISTER

CELTIC WOMAN

CELTIC WOMAN LTD. (IRELAND CORPORATION)
32 LOWER LESSON STREET
DUBLIN 2, IRELAND

FOR: SERIES OF MUSICAL SOUND RECORDINGS AND PRERECORDED COMPACT DISCS, VIDEOTAPES, CD-ROMS, DVDS, ALL FEATURING MUSIC AND/OR DANCE; DOWNLOADABLE AUDIO AND VIDEO RECORDINGS FEATURING MUSIC AND/OR DANCE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-1-2005; IN COMMERCE 3-1-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-560,705, FILED S.R. 2-4-2005 AM. P.R. 3-15-2007.

JOSETTE BEVERLY, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 3,290,300

United States Patent and Trademark Office

Registered Sep. 11, 2007

TRADEMARK PRINCIPAL REGISTER

CELTIC WOMAN

CELTIC WOMAN LTD. (IRELAND CORPORA-TION) 32 LOWER LESSON STREET DUBLIN 2, IRELAND

FOR: PRINTED MATTER, PAPER AND STATIONERY PRODUCTS, NAMELY, POSTERS, POSTER BOOKS, CALENDARS, CONCERT SOUVENIR PROGRAMS, STICKERS, BUMPER STICKERS, DECALS, POSTCARDS, PICTURE POSTCARDS, STATIONERY, PHOTOGRAPHS, PRINTED PAPER SIGNS, AND TICKETS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-20-2005; IN COMMERCE 7-20-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-560,710, FILED S.R. 2-4-2005 AM. P.R. 3-15-2007.

JOSETTE BEVERLY, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,306,488

United States Patent and Trademark Office

Registered Oct. 9, 2007

TRADEMARK PRINCIPAL REGISTER

CELTIC WOMAN

CELTIC WOMAN LTD. (IRELAND CORPORATION)
32 LOWER LESSON STREET
DUBLIN 2, IRELAND

FOR: CLOTHING, NAMELY, SHIRTS, POLO SHIRTS, T-SHIRTS, ATHLETIC UNIFORMS, TOPS, SWEAT PANTS, JACKETS, CAPS, HATS, APRONS, SCARVES, SINGLETS, SOCKS, LOUNGEWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-20-2005; IN COMMERCE 7-20-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-560,737, FILED S.R. 2-4-2005 AM. P.R. 3-15-2007.

JOSETTE BEVERLY, EXAMINING ATTORNEY

Case 1:08-cv-00066-TRG Document 12-13 Filed 61/10/2008 That Dof 1

REGISTRARS AND SECRETARIES

32 Lower Leeson Street, Dublin 2, Ireland. Tel: +353 (o) 1 708 8400 Fax: +353 (o) 1 708 8401

Mr. Pat Daly
New Companies Section
Companies Registration Office
Pamell House
14 Pamell Square
Dublin 1

COPY

4th April 2007

Re: Letter of Objection Celtic Man Ltd

Dear Mr Daly,

I, Stephen McClure, Director of Complete Registration Limited act as Secretary of Celtic Woman Limited, of 32 Lower Leeson Street, Dublin 2, would like to object to the registration of the company Celtic Man Limited for the following reasons.

- Our company Celtic Woman Limited currently produces DVD's, CD's and it currently touring the USA with the Show "Celtic Woman" a very successful production.
- We currently hold Celtic Woman.com and Celtic Map, com and both activities are exactly the same as our web site says.
- Celtic Man will be filmed in Dublin in August 2007 for broad cast on PBS in the USA.
- We feel that the name is to similar and it would give the wrong impression to the general Pr blic and suppliers
- Business activities are exactly the same
- The Director of Celtic Man Limited Sharon Browne previously held a position in Celtic Woman Ltd as Director and Producer.

We strongly object to the above name as the impression given is that it is associated with Celtic Woman Ltd, which is not correct and are forming on our success by passing off as Celtic Woman Ltd.

Yours Sincerely,

teonen McClune

Complete Registrations Limited

MATHESON ORMSBY PRENTICE

Solicitors 30 Herbert Street Dublin 2 Ireland DX, 2 Dublin T: +353 1 619 9000 F. +353 1 619 9010 W www.mop.ie

Sharon Browne 70 Coolnevaun Stillorgan Co Dublin BY COURIER

Our Ref JJH/AQ

Your Ref

11 April 2007

Dear Sharon Browne

OUR CLIENTS: CELTIC WOMAN LIMITED

As you know, we are instructed by Celtic Woman Limited of 31/32 Hatch Street, Dublin 2. We understand from our clients that it has come to their attention that you have been using the name and trademark Celtic Woman in connection with the advertising and promotion of a new show under the name "Celtic Man". In particular the words and trademark Celtic Woman have been used not only to refer to your association with the show Celtic Woman but also through references to the success of Celtic Woman as a means and method of promoting the show "Celtic Man".

Our clients are extremely concerned in relation to a number of matter arising from this and in particular as follows:

- 1. As far as our clients are concerned, it would not be correct for you to describe yourself as the creator of Celtic Woman in any publicity or promotional material relating to any other show. Celtic Woman was created by a number of people, of which you were in the past a participant. It was a team effort and for you to claim sole creator credit or otherwise insinuate that you were anything other than a member of a team of persons involved in the development of the project would be to exaggerate your role to a point of misrepresentation of that role to the general public.
- 2. As you know, Celtic Woman is a registered trademark registered both in the United States of America and in the European Union in the areas of live show entertainments and audio and audiovisual works. Therefore, no use whatsoever should be made of the words "Celtic Woman" whether printed or otherwise without our client's permission in connection with the advertising or promotion of any live show or any sound or audiovisual recordings whatsoever.
- 3. As far as our clients are concerned the website for "Celtic Man" being www.celticman.ie also contains materials which form part of Celtic Woman's promotional materials which as far as our clients are concerned you have no right to use on the website.

TABBY

naw rank

PACO SURO

Charmon of Anthony CiRniky Managing Pachor Lum Durve - Parthets Galam Nichads, Vichae Tyrret Frank Mewlan, Stuan Margetson, William Prenics, Rodfish Erser, James Bucke, Pauli e O'Concean Sandick, Warsen, Rodfish Erser, James Bucke, Pauli e O'Concean Sandick, Warsen, Rodfish Erser, James Bucke, Pauli Ender Anders Boule, James Schrich, Mathael Jac Coon, Chris Covini, Irri Sandon, Dende Mater, Harri Baham Dale, Pauli Harri Sandon, Chris Covini, Irri Sandon, Teoria Data Minish, Patrick Market Malay, Market Pauli Parthet Baham, Patrick Market, Pauli Patrick, Baham Dale, Pauli Patrick, Pauli Patrick, Pauli Patrick, Baham Dale, Patrick, Patr

4. Furthermore the website gives the impression that you continue to be associated with Celtic Woman both as its creator and its producer and as far as our clients are concerned this is wholly false and without foundation and should be removed immediately from the website.

As far as our clients are concerned you are entitled to refer to yourself as having been involved as part of the original team of Celtic Woman and that you were one of the producers of Celtic Woman (but that you are no longer associated with that show) in the context of any biographical description of yourself. Other than that as far as our clients are concerned any reference to Celtic Woman without their permission is a misrepresentation of your position and role and a breach of their intellectual property rights particularly their trademark rights and as far as they are concerned you are not entitled to use those words in any promotional context whether in print advertising or in audio or audiovisual advertising of any sort on radio or television or otherwise.

Our instructions are therefore to write to you to call upon you to cease and desist from all of the breaches of our client's intellectual property rights and other entitlements as outlined above. Furthermore, we are asked to write to you to call upon you to cease and desist immediately from giving any impression that you are currently working with or for Celtic Woman Limited and in any way attempting to associate yourself on a current basis with the very successful stage show, Celtic Woman.

Our instructions are that, if we do not receive from you, an immediate undertaking to cease and desist as outlined above, our client will have no alternative but to seek the various equitable and other remedies available to them from the courts of Ireland and elsewhere in relation to the breaches of our client's intellectual property rights as well as their other rights and entitlements as outlined above. Our clients also reserve the right to pursue whether by equitable remedies or otherwise orders preventing you from in any way misrepresenting the position you had with Celtic Woman or in any way using the Celtic Woman trademark to promote any products or services in the live stage or audio or audio visual areas of activity.

Unless we hear from you within 48 hours of receipt of this letter, our instructions are to undertake such proceedings as our clients deem appropriate without further notice to you. In the event that proceedings are issued and served on you and damages awarded against you, it is our expectation that you will also be made responsible not only for damages to our clients but also for the costs and outlay of any such proceedings and we would therefore urge you to give this matter your immediate and detailed consideration.

We are copying this letter to Messrs Gore and Grimes, solicitors who are the last solicitors we have on record for you in relation to matters we were previously dealing with in relation to you.

Yours faithfully

HESON ORMSBY PRENTICE

cc Gore and Grimes, Solicitors

4-1---

Sharon Browne 70 Coolnevaun Stillorgan Co Dublin BY COURIER

Our Ref JJH/AQ

Your Ref

19 April 2007

Dear Sirs

Military.

OUR CLIENT: CELTIC COLLECTIONS LIMITED

As you know we are instructed by Celtic Collections Limited of Celtic Mews, 31/32 Hatch Street, Dublin 2. We refer in particular to a newspaper report in The Sunday World newspaper for 1 April 2007 under the heading "And Now Comes the Celtic Man". This report underneath the photograph of Phil Coulter refers to you as Celtic Woman creator Sharon Browne and sets out how you have teamed up with Phil Coulter to embark on a search for talent singers to form a group called "Celtic Man".

Our clients are extremely concerned in relation to a number of matters arising from the report and also from what appears on a website address www.celticman.ie as follows:

- The project Celtic Man originally commenced development with our clients while you were in the employment of Celtic Collections Limited. As far as our clients are concerned they are the owners of the common law rights in the trading name Celtic Man and have registered a domain name www.celticman.com. This was all done while you were still in the employment of our clients which ended on 31 December 2006. As far as our clients are concerned therefore you have no right to propose using the name Celtic Man in connection with the promotion of a group of performers whether for the purposes of live stage shows or for sound or audiovisual recordings or otherwise.
- We understand that you have registered a domain name www.celticman.ie. We are instructed to put you on notice that our clients dispute your entitlement to do this and unless you immediately undertake to cancel the registration of this domain name or transfer it to our clients they will be seeking to refer this domain name to a domain name dispute arbitration procedure under the auspice of the World Intellectual Property Organisation (WIPO).
- Our clients have examined the contents of the website www.celticman.ie. As far as they are concerned the image of Celtic Man as shown on the website was designed for Celtic Collections Limited approximately 4 years ago. In early 2003 our clients Celtic Collections Limited commissioned a design company Zeus to change all the company's album covers and to create a mid-price range called Spirit Records. The Best of Celtic Man was one of the titles to be released on the Spirit Records label. The design which appears on www.celticman.ie

and a copy of which is attached was originally created by Zeus for our clients but was not in fact used in the end as our clients felt it would be wasted on a mid-price CD. Our clients decided to hold it for a full price CD at a later date and create another CD and cover called The Heart of Man which was released instead. As far as Celtic Collections Limited is concerned they are the copyright owners of this image and you are not entitled to use the material whether in connection with the website you are currently operating or otherwise.

Our instructions are therefore to write to you to call upon you to cease and desist from all of the breaches of our client's intellectual property rights and other entitlements as outlined above. Our instructions are that, if we do not receive from you, an immediate undertaking to cease and desist as outlined above, our client will have no alternative but to seek the various equitable and other remedies available to them from the courts of Ireland and elsewhere in relation to the breaches of our client's intellectual property rights as well as their other rights and entitlements as outlined above.

Unless we hear from you within 48 hours of receipt of this letter, our instructions are to undertake such proceedings as our clients deem appropriate without further notice to you. In the event that proceedings are issued and served on you and damages awarded against you, it is our expectation that you will also be made responsible not only for damages to our clients but also for the costs and outlay of any such proceedings and we would therefore urge you to give this matter your immediate and detailed consideration.

We are copying this letter to Phil Coulter who appears to be involved in your proposed project and who our clients believe should be made aware of the matter set out above and to Gerald Kean Solicitors who now appear to be your solicitors in relation to matters Gore & Grimes Solicitors were previously dealing with in relation to you.

Yours faithfully

MATHESON ORMSBY PRENTICE

Copy Phil Coulter Gerald Kean

MATHESON ORMSBY PRENTICE

Solicitors 30 Herbert Street Dublin 2 Ireland DX: 2 Dublin T +353 1 619 9000 F: +353 1 619 9010 W: www.mop.ie

Keans Solicitors 2 Upper Pembroke Street Dublin 2 BY FAX AND BY POST

Our Rel

Your Ref GK/AD/16516

26 April 2007

Dear Sirs

OUR CLIENTS: CELTIC WOMAN LIMITED YOUR CLIENT: SHARON BROWNE

We refer to your letter of 18 April 2007 in connection with the above. We note that you have now been instructed in this matter and have taken over the file and papers from Gore & Grimes, solicitors.

You refer to your client as feeling very aggrieved about the manner in which he has been treated by Mr Kavanagh and Mr Clifford (and Celtic Woman Limited). You do not supply any details of the grievances you refer to and it is difficult to understand why you would be preparing a brief to Counsel with the intention of issuing proceedings without first having given our clients an opportunity of dealing with and addressing the alleged grievances.

In relation to the numbered items in your letter setting our your client's instructions we would reply as follows:

- 1. It is wholly incorrect as far as our clients are concerned for your client to describe herself as the original creator of Celtic Woman. As far as our clients are concerned the creation of Celtic Woman was a team effort and for your client to claim sole creator credit or otherwise insinuate that she was anything other than a member of a team of persons involved in the development of the project would be to exaggerate her role to a point of misrepresentation of that role to the general public. Your clients misrepresentation of the situation does not relate to an issue of intellectual property rights. The issue is that your client has grossly exaggerated and over stated her role in Celtic Woman to the point of misleading the public both about Celtic Woman and the project she is now proposing to promote giving rise to potential loss and damage to our clients' reputation arising out of the assertion (which is false) that the sole creator of Celtic Woman is now behind this new project.
- Our clients are not alleging that your client is passing off the name Celtic Woman to any third
 party. What our clients are saying is that your client is using a registered trademark "Celtic
 Woman" to promote her project without the permission of the trademark owner. The relevant
 section of the Trademark Act (1996) is:

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- "(6) Nothing in the preceding provisions of this section [infringement of registered trademark] shall be construed as preventing the use of a registered trademark by any person for the purpose of identifying goods or services as those of the proprietor or licensee of the registered trademark; but any such use, otherwise in accordance with honest practices in industrial or commercial matters, shall be treated as infringing the registered trademark if the use without due cause takes unfair advantage of, or is detrimental to, the distinctive character or reputation of the trademark."
- 3. As far as our clients are concerned, the use of statistics and information in relation to the success of Celtic Woman is not something your client should be using in connection with the promotion of the project Celtic Man. The information we are referring to is "Celtic Woman has sold over 2 and a half million CD's and has had 5 hugely successful coast to coast live tours in the USA. Celtic Woman has played Carnegie Hall, Radio City and performed for St. Patrick's Day in the Whitehouse in March 2007. They have toured Japan and will commence touring in Africa, Australia, Asia and Europe in the next year. As far as our clients are concerned, your client is trying to piggyback on the success of Celtic Woman including using successful statistics in relation to Celtic Woman to promote her project.
- This impression is contained because your client's references to Celtic Woman appear to be in the present tense.

Your letter therefore does not clarify the matter but on the contrary reinforces and confirms the issues that our clients have with your client. Our clients have instructed us therefore to write to you to reiterate the concerns expressed by them in our letter to your client of 11 April 2007 and to reassert their call upon your client to cease and exist from all breaches of our client's intellectual rights and other entitlements as outlined above as well as ceasing and existing from giving any impression that your client was the sole creator of Celtic Woman and is working with or for Celtic Woman or in any way attempting to associate herself on a current basis with the very successful stage of Celtic Woman.

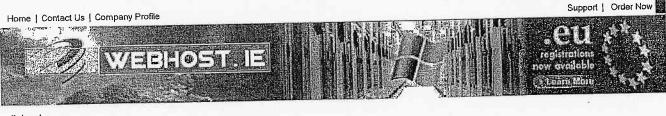
If our clients do not receive the immediate undertaking demand to cease and exist as outlined above, our clients reserve the right to seek recourse to legal remedies in accordance with the terms of our letter of 11 April 2007 to your client.

We look forward to hearing from you.

Yours faithfully

MATHESON ORMSBY PRENTICE

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domain: celticmen.ie descr: Celtic Man Ltd

descr: Body Corporate (Ltd, PLC, Company)

descr: Corporate Name
admin-c: ADI019-IEDR
tech-c: WIL6-IEDR
renewal: 14-May-2008
status: Active

nserver: NS1.SECURE-SSL-SERVER.NET nserver: NS2.SECURE-SSL-SERVER.NET

source: IEDR

person: Sharon Browne nic-hdl: ADI019-IEDR source: IEDR

person: David Farrelly nic-hdl: WIL6-IEDR

nic-hdl: WIL6-lEDR
source: IEDR

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DOMAIN NAME REGISTRATION SEARCH

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domain: celticman.ie descr: Celtic Man Ltd.

descr: Body Corporate (Ltd, PLC, Company)

descr: Corporate Name
admin-c: ADD486-IEDR
tech-c: WIL6-IEDR
renewal: 26-March-2008

status: Active

nserver: NS1.SECURE-SSL-SERVER.NET nserver: NS2.SECURE-SSL-SERVER.NET

source: IEDR

person: Sharon Browne nic-hdl: ADD486-IEDR

source: IEDR

person: David Farrelly nic-hdl: WIL6-IEDR

source: IEDR

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Registration Service Provided By: WebHost.ie Ltd Contact: davidfarrelly@webhost.ie Visit: http://www.webhost.ie

Domain name: CELTICMAN.NET

Administrative Contact: WebHost.ie Ltd



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David Farrelly (davidfarrelly@webhost.ie) +353.14948034 Fax: +353.14948035 10 Beverly Park Beverly Court DUBLIN, 16 IE

Technical Contact:
WebHost.ie Ltd
David Farrelly (davidfarrelly@webhost.ie)
+353.14948034
Fax: +353.14948035
10 Beverly Park
Beverly Court
DUBLIN, 16
IE

Registrant Contact:
WebHost.ie Ltd
David Farrelly (davidfarrelly@webhost.ie)
+353.14948034
Fax: +353.14948035
10 Beverly Park
Beverly Court
DUBLIN, 16
IE

Status: Locked

Name Servers: NS1.SECURE-SSL-SERVER.NET NS2.SECURE-SSL-SERVER.NET

Creation date: 18 Jun 2007 19:49:21 Expiration date: 18 Jun 2009 19:49:21

The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. We make this information available "as is," and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or (2) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from us.



Sea

SEARCH AGAIN

Enter a search term:

We reserve the right to modify these terms at any time. By submitting this query, you agree to abide by these terms. Version 6.3 4/3/2002

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record

Current Registrar: ENOM, INC.

IP Address:

83.138.8.80 (ARIN & RIPE IP search)

IP Location: Record Type: IE(IRELAND)

Server Type:

Domain Name

IIS 6

Lock Status:

clientTransferProhibited

Web Site Status: Active

no listings

DMOZ Y! Directory:

see listings

Secure:

No

E-commerce: Traffic Ranking:

No Not available

Data as of:

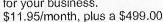
30-Nov-2007



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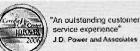
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der, Selected Domain(s).	Our Lowest = Get 25% OFF
our WHOIS Search Results	DOMAIN OPTIONS
celticmen.net	Premium Names 🍪
Services from Network Solutions:	cetticit.com \$2,288
IMAGE NOT Centified Offer Service - Let us help you get this domain name! AVAILABLE Respector: To be get this game when it becomes available.	hawaiianmen.com
AVAILABLE Backorder - Try to get this name when it becomes available. SSL Certificates - Get peace of mind with a secure certificate.	\$1,500 onlyamateurmen.com
Enhanged Business Listing - Promote your business to millions of	
viewers for only \$1 a month!	\$940 celticweb.net
	\$688
	magazinemen.com \$1,500
	naturallymen.com
Visit AboutUs.org for more information about CELTICMEN.NET	celticshop.net
Abouts: CELTICMEN.NET Registration Service Provided By: WebHost.ie Ltd	\$588
Contact: davidfarrelly@webhost.ie Visit: http://www.webhost.ie	Misspellings
Domain name; CELTICMEN.NET	
Administrative Contact:	citicmen.com
WebHostie Ltd David Farrelly (davidfarrelly@webhost.ie)	ce1ticmen.com
+353,14948034 Fax: +353,14948035	celicmen.com
10 Beverly Park Beverly Court	celticmon.com
DUBLIN, 16 IE	celticm3n.com
	Celticmenn.com
Technical Contact: WebHost ie Ltd	celticmne.com
David Furrelly (davidfarrelly@webhost.ie) +353 14948034	[] cememo.com
Fax +353.14948035 10 Beverly Park	St. U Name
Beverly Court DUBLIN, 16	Similar Names
	cettic-men.com
Registrant Contact: WebHost.ie Ltd	nakedcelticmen.com
David Farrelly (davidfarrelly@webhost.ie) +353.14948034	C3lticmen.com
Fax: +353.14948035 10 Beverly Park	elticmenoutlet.com
Beyerly Court DUBLIN, 16	elecetticmen.com
IE IE	cellicmenele.com
Status: Locked	[agercelticmen.com
Name Servers* NSI.SECURE-SSL-SERVER.NET NS2.SECURE-SSL-SERVER.NET	Cellicmenager.com Add Domain(s) to Carl *
Creation date: 18 Jun 2007 19:55:30 Expiration date: 18 Jun 2009 19:55:30	
The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration lecord. We make this information	SEARCH AGAIN
available "as is," and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful	Enter a search term:
purposes and that, under no circumstances will you use this data to: (1) enable high volume, automated, electronic processes that stress or load	e.g. networksolutions.com
this whols database system providing you this information; or (2) allow,	Search by:
commercial advertising or solicitations via direct mail, electronic mail, or by telephone. The compilation, repackaging, dissemination or	Domain Name
other use of this data is expressly prohibited without prior written consent from us.	O NIC Handle
Managery of control of	() IP Address
registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit <u>www.internetprivacyadvocate.org</u> .	
NOTICE AND TERMS OF USE: You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes or for the purpose of purposes of using the data in any manner that violates these terms of use. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful	

We reserve the right to modify these terms at any time. By submitting this query, you agree to abide by these terms. Version 6.3 4/3/2002

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions, Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record

Current Registrar: ENOM, INC.

83 138,8.80 (ARIN & RIPE IP search)

IP Location: IE(IRELAND) Domain Name Record Type: IIS 6

clien(TransferProhibited Lock Status:

Web Site Status: Active DMOZ no listings Y! Directory: see listings Secure: No

Traffic Ranking: Not available 14-Jun-2005 Data as of:



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Domain details Domain

Name celticmen REGISTERED Status May 14, 2007 Registered

Last update

May 14, 2007 3:39 PM

Registrant

Sharon Browne Name Organisation Celtic Man Ltd.

English Language Scarton House Address na Kildare

Ireland

+353.872442434 Phone

sharonbrowne@mac.com Email

Registrar technical contacts

Technical Support Name

Organisation eNom, Inc. English Language

Address 2002 156th Ave NE

> Suite #300 98007 Bellevue

WA

United States

+1.4252744500 Phone +1.4259744796 Fax info@enom.com Email

Registrar

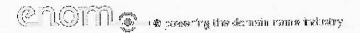
eNom, Inc Organisation

Website www.enom.com

Nameservers

ns2.secure-ssl-server.net ns1.secure-ssl-server.net Total Domain Names on the eNom Platform: 10,353,087

Apply for a reseller acco



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Our WhoIs (Who Is?) page lets the public see information about the owner (the "registrant") of a particular domain name as well as other information about the domain name. Some of this information is maintained to eNom (the "registrar") and some is maintained by the "registry". Only names that are registered by eNom (the "registrar") appear here. Names that are maintained by other registrars will not show up in our WhoIs, even though they are already registered (i.e. taken). You can see if a name is already taken here.

Access to eNom's Whois information is for informational purposes only. eNom makes this information availat "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of eNom's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of eNom By accessing and using our Whois information, you agree to these terms.

WhoIs Results for celticman.mobi Contact Type Registrant

Organization Name: Celtic Man Ltd.

First Name: Sharon Last Name: Browne

Address 1: 70 Coolnevaun
Address 2: Stillorgan

City: Co Dublin

StateProvince:

PostalCode: na Country: IE

Phone: 353., 353.0872442434

Fax:

EmailAddress: sharonbrowne@mac.com

Contact Type Administrative

Organization Name: WebHost.ie Ltd

First Name: David Last Name: Farrelly

Address 1: 10 Beverly Park

Address 2: Beverly Court

City: DUBLIN

StateProvince:

PostalCode: 16

Country: IE

Phone: +353.14948034

Fax: +353.14948035

EmailAddress: davidfarrelly@webhost.ie

Contact Type Billing

Organization Name: WebHost.le Ltd

First Name: David

Last Name: Farrelly

Address 1: 10 Beverly Park
Address 2: Beverly Court

City: DUBLIN

StateProvince:

PostalCode: 16

Country: IE

Phone: +353.14948034

Fax: +353.14948035

EmailAddress: davidfarrelly@webhost.ie

Contact Type Technical

Organization Name: WebHost.ie Ltd

First Name: David

Last Name: Farrelly

Address 1: 10 Beverly Park
Address 2: Beverly Court

City: DUBLIN

StateProvince:

PostalCode: 16

Country: IE

Phone: +353.14948034

Fax: +353.14948035

EmailAddress: davidfarrelly@webhost.ie

Other Information

contactadmin: FA8E04C6797A61C4

nameserver: ns1.secure-ssl-server.net

ns2.secure-ssl-server.net

contactbilling: FA8E04C6797A61C4

created-date: 2007-11-22T15:02:03.0Z

upid: 4065-EN

clid: 4065-EN

updated-date: 2007-11-22T15:19:19.0Z

registrant: FA8E04C6797A61C4

statusreasonservertransferprohibited: realtime

name: celticman.mobi

registration-expiration-date: 2008-11-22T15:02:03.0Z

status: serverTransferProhibited

contacttech: FA8E04C6797A61C4

eppcode: 1000

crid: 4065-EN

Enter the domain name for which you would like to check information. (i.e. "example.com")

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MATHESON ORMSBY PRENTICE

Solicitors 70 Sir John Rogerson's Quay Dublin 2 Ireland DX: 2 Dublin T: +353 1 232 2000 F: +353 1 232 3333 W: www.mob le

Keans
Solicitors
2 Upper Pembroke Street
Dublin 2
BY FAX AND BY POST

Our Ref JJH/AQ

Your Ref A16516/GK/TC

19 June 2007

Dear Sirs

OUR CLIENTS: CELTIC WOMAN LIMITED YOUR CLIENT: SHARON BROWNE

We refer to your letter of 2 May 2007 in connection with the above. We note that you say that you have taken over the file from Gore and Grimes Solicitors but our clients have separately received an unfair dismissals claim which appears to have been lodged by Gore and Grimes Solicitors on behalf of your client on the 11 May 2007. The claim for unfair dismissals is by your client against Celtic Collections Limited. As far as our clients are concerned they do not dispute that at all material times and up to 31 December 2006 your client was an employee of Celtic Collections Limited. As far as our client's are concerned she resigned from that employment with effect from 31 December 2006 but this appears now to be disputed.

Our clients are not aware of any other grievances which your client is pursuing. Our clients will deal with the unfair dismissals claim with Gore and Grimes Solicitors and will be proceeding on the basis that there are no other grievances of your clients of which they are aware.

In relation to the question of who is the original creator of Celtic Woman we attach copies of the old Celtic Woman website which states that "Celtic Woman is the realisation of a dream for Composer and Musical Director, David Downes and Show Producer, Sharon Browne. Together with Dave Kavanagh, Executive Producer of the Show, they created Celtic Woman....". We also attach two earlier press releases which again describe the origins of the Show. From the legal standpoint the individuals involved were working through Celtic Collections Limited and later Celtic Woman Limited.

As far as our clients are concerned at all material times your client was an employee of Celtic Collections Limited and that it was Celtic Collections Limited which were the initial promoters of the Celtic Woman project. Your client was amongst the individuals who were involved in the initiation of the project but it is wholly incorrect to say that your client as an individual either hired David Downes or any television crew or put on any show or in any way personally promoted the project Celtic Woman. Celtic Collections Limited was purchased from your client and Declan Browne by Liffey Records Limited and the rights in the project were assigned to Celtic Woman Limited so that the project could be undertaken through a separate vehicle and the remaining activities of Celtic Collections Limited continue to be undertaken by Celtic Collections Limited.

DUBLIN

LDNDDN

NEW YORK

PALO ALTO

Chairman Sir Anthony (Fitally - Managing Partner Jam Ourite - Partners Craham Richards, Michael Tyrrell, Frank Nowlan, Stuart Margetson, William Prentice Roderic Ensor, James Hickey, Pauline of Donovan, Stanley Nation, Robert Heton, Patrick Sweetman, Brian Budgy, Don McMeede, Paul Gerfield, Andrew Dovie, James Scarlón, Michael Jackson, Chris Quant, Tim Scanlon, Describe Richael Described Michael (Paul Fairel), Barbaro Daly, Ruth Harlet, Dony of Orady, Parac Madigan, Michael O'Connox, Edward Miles, Tara Dovie, Anne-Marie Bona, Patrick Speer, Furbugh Calvon, Patrick Molloy, Gestign Brade, Paul Fairel, Bild Munnelly, Robert O'Shea, Leanne Robert, Carrion McConaght, Leanne Robert, Carrion McConaght, Lea Britzeleric, Roham McConaght, Roham Oradin, Bert District, Roham McConaght, Roham Oradin, Roham Oradin, Bert District, Roham McConaght, Roham Oradin, Roham

MATHESON ORMSBY PRENTICE

As far as our clients are concerned your client should not therefore be using the trademark Celtic Woman in any way to promote any new project she is involved in whether it be Celtic Man or any other project. The trademark Celtic Woman is exclusively owned by Celtic Collections Limited / Celtic Woman Limited and our clients will be vigorous in pursuit of the protection of the integrity of that trademark.

They will also be vigilant in relation to any attempts by your client to in any way suggest that she personally was the sole creator of Celtic Woman or that any way she can claim that she was the sole creator of it. As far as our client's are concerned this is an injurious falsehood and they will seek to protect themselves in everyway possible by legal action if necessary to prevent any ongoing perpetration of this falsehood.

We reiterate the last paragraph of our letter of 26 April 2007.

Yours faithfully

WHESON ORMSBY PRENTICE

Enclosures

of Carried

Relief in

Show Producer, Sharon Browne. Together with Dave Kavanagh. Executive Producer of the Show, they created Celtre Woman to feature the very special talents of four young Insh female vocalists and a Celtic Woman is the realisation of a dream for Composer and Musical Director, David Downes and ver exciting young fiddle player.

100

Riverdance Celtic Woman portrays the unique voices and styles of each of the girls as solviets as well as fanlastic ensemble numbers. Performing beautiful and much-loved songs, Celtic Woman features unique renditions of linch sougs such as: "Dumiy Boy," timeless classics like "Aye Maria", confemporary songs such as "Orinoco Flow" and Clamad & "Harry's Game", and a host The five women vocalists. Chloc. Lisa, Meav and Orla and fiddle player Mairead are led by David Downes, a prodigious young lash talent, who has previously worked as musical director of of spellbinding onginal songs created by David Downes

Coltic Woman started life as a 90-minute show for PBS, which premiered in the US in March 20015. The show was broadcast on over 300 stations and such was its success that it was developed into a full scale touring production.

The Celtic Woman CD & DVD were released through Manhattan Records (EMI) on March 1st 2005. Since its release the CD has been certified gold and the DVD has been certified platinum. The CD has also been No 1 in the Billbourd World Music Chart for over 45 weeks.

CHITICWOM

TOUR NEWS





PÍB ENTERTAINMENT MEDIA & MARKETING 212-334-6116 · 212-334-6336 fax | 451 Greenwich St. *503, NY² 10013

FOR IMMEDIATE RELEASE February 11, 2005

celtic

Five Member Female Irish Troop Arrive In Time For St. Patrick's Day Concert Available on DVD and CD through Manhattan Records on March 1st Will Be Broadcast Nationally on PBS in March 2005 U.S. Tour Planned For This Summer

Since the dawn of Irish civilization, some ten thousand years ago, a tradition of song has greeted new dawns and celebrated life. Haunting voices over mountains, valleys and lakes carry with them ancient tales they now cherish. It would be hard to find more pure and graceful voices than those of Celtic Woman. Alone or united, their voices stay with you, capturing the essence of traditional and contemporary Irish music.

The five-member collective known as Celtic Woman will release their debut live concert on CD & DVD thru Manhattan Records (EMI) on March 1st. The show is the realisation of a dream for Sharon Browne, Managing Director of Celtic Collections – One of Ireland's most successful independent record labels.

The women are lead by the talents of David Downes (Musical Director, Conductor, Composer and Arranger). Downes, who is a prodigious young Irish star, had previously worked as musical director of Riverdance. Celtic Woman was created to have a forum to launch the very special talents of four young Irish female vocalists: Chloë, Lisa, Méav, Órla, along with an exciting young violinist Máiréad Nesbitt.

Downes then garnered the forces of the Irish Film Orchestra, Aontas Choral Group, and a host of exciting Irish musicians including percussionists Ray Fean and Robbie Casserly to backup the vocalists and create the instrumentation behind this truly moving and inspirational show.

Celtic Woman portrays the unique voices and styles of each of the Girls as Soloists along with fantastic Ensemble numbers. Performing the most beautiful and best-loved songs in the musical repertoire, Celtic Woman's singers unique renditions of Irish songs such as: "Danny Boy," timeless classics like "Ave Maria", contemporary songs such as

Enya's "Orinoco Flow" and Clannad's "Harry's Game", to a host of spellbinding original songs all with the new and exciting arrangements created by David Downes.

During the performance, violinist Máiréad Nesbitt, engages in a musical battle with two handsome Irish Bodhrán drummers and has the audience dancing out of their seats with her own expressive interpretation of the liveliest Irish dance music and haunting slow airs.

Premiering in the United States in March, PBS will debut a spectacular hour and a half show Celtic Woman taped in front of a Dublin audience at the prestigious Helix Centre late last year.

Celtic Woman will bring you to your feet over and over again and audiences will rise and cheer as loudly when they embark on a U.S. tour later this summer which is expected to make stops in New York, Minneapolis, Boston, Cleveland, Los Angeles and several other major cities.

In the meantime, you'll be able to gather your loved ones around during the St. Patrick Day's Festivities to watch and listen to the Celtic Woman when this concert becomes available on DVD and CD through Manhattan Records (EMI) on March 1st.

For more information, please contact: Keith Hagan PFA (Paul Freundlich Associates) Khagan@pfamedia.net Ph: 212-334-6116

Maria C. Malta Manhattan Records 212-786-8637 maria.malta@emimusic.com

MARIEN

Paul Freundlich PFA paulf@pfamedia.net Ph: 212-334-6116 pfa ENTERTAINMENT MEDIA & MARKETING 212-334-6116 - 212-334-6336 fax | 451 Greenwich St. *503, NY2 10013

FOR IMMEDIATE RELEASE April 11, 2005

celtic

The Irish Phenomenon That Is Celtic Woman Continues To Surprise

U.S. Tour Slated For The Summer; #1 World Music Album For Five Weeks Running; Top 10 On Amazon.com Chart and Sales Continue To Swell

The five-member group known as Celtic Woman have arrived and in the short time since their debut release (March 1st on EMI/Manhattan) they have seemingly captured the hearts of new fans across the country.

First introduced to the U.S. public through multiple highly watched PBS airings of their spectacular hour and a half show; Celtic Woman followed that up with a live performance of their music on NBC's Today Show on St. Patrick's Day. Since that point they seem to have developed of somewhat of an inexplicable phenomenon. And now, as their album continues its run atop Billboard Magazine's World Music Album Chart comes word of a summer tour scheduled to kick off on July 20th in Cleveland at The Palace Theatre.

Celtic Woman will bring their electrifying show to Detroit, Boston, Buffalo, Philadelphia, St. Louis, Atlanta, San Francisco and Sacramento among other cities. The first leg of the Celtic Woman tour currently contains fifteen dates, but with the buzz growing on an almost daily basis, more dates are sure to be added.

"Celtic Woman has been gathering momentum ever since it's release last month," said Bruce Lundvall, President & CEO, EMI Jazz & Classics, of which Manhattan Records is an imprint label. "We are absolutely thrilled with the response that they have received from American audiences. But what is most impressive is the direct reaction that we are receiving from their new fans. We're getting calls and emails from all over the country asking when they can see the girls perform and wanting more information. We're pleased to report that fans are going to get their chance to see them this summer."

The women are lead by the talents of David Downes (Musical Director, Conductor, Composer and Arranger). Downes, who is a prodigious young Irish star, had previously worked as musical director of Riverdance. The show is the realisation of a dream for Sharon Browne, Managing Director of Celtic Collections - One of Ireland's most successful independent record labels.

Celtic Woman portrays the unique voices and styles of each of the Girls as Soloists along with fantastic Ensemble numbers. Performing the most beautiful and best-loved songs in the musical repertoire, Celtic Woman's singers unique renditions of Irish songs such as: "Danny Boy," timeless classics like "Ave Maria", contemporary songs such as Enya's "Orinoco Flow" and Clannad's "Harry's Game", to a host of spellbinding original songs all with the new and exciting arrangements created by David Downes.

Celtic Woman Tour Dates

	July 20 th July 22 nd July 23 rd July 25 th July 26 th July 27 th July 28 th July 29 th July 30 th August 1 st August 3 rd August 5 th August 6 th August 13 th August 14 th	Cleveland, OH Detroit, MI Pittsburgh, PA Binghamton, NY Boston, MA Buffalo, NY Rochester, NY Westbury, NY Philadelphia, PA Vienna, VA Peoria, IL St. Louis, MO Atlanta, GA San Francisco, CA Sacramento, CA	The Palace Theatre Meadowbrook Amphithea Byham Theatre Forum Theatre Bank of America Pavilion Shea's PAC Auditorium Theatre North Fork Theatre Merriam Theatre Wolf Trap Farm Park Peoria Civic Center Fox Theatre Chastain Park Nob Hill Masonic Center Sacramento City Auditoriu
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For more information, please contact: Keith Hagan PFA (Paul Freundlich Associates) Khagan@pfamedia.net Ph: 212-334-6116

Maria C. Malta Manhattan Records 212-786-8637 maria.malta@emimusic.com Paul Freundlich

PFA

paulf@pfamedia.net Ph: 212-334-6116

MATHESON ORMSBY PRENTICE

Solicitors 70 Sir John Rogerson's Quay Dublin 2 Ireland DX: 2 Dublin T: +353 1 232 2000 F: +353 1 232 3333 W: www.mop.ie

Keans Solicitors 2 Upper Pembroke Street Dublin 2 BY FAX AND BY POST

Our Ref JJH/AQ

Your Ref A16516/GK/TC

19 June 2007

Dear Sirs

OUR CLIENTS: CELTIC WOMAN LIMITED / CELTIC COLLECTIONS LIMITED YOUR CLIENT: SHARON BROWNE

We refer to your short letter of 2 May 2007 with the heading Celtic Woman Limited. We assume that this was in fact a response to our letter of 19 April 2007 addressed to your client at her address in Stillorgan, Co Dublin under the heading Celtic Collections Limited. This letter was copied to you and to Phil Coulter who is apparently also involved in the project Celtic Man.

Your letter fails to address any of the issues raised in our letter of 19 April 2007 apart from asserting that our clients registered the domain names celticman.com and celticman.eu in circumstances where you allege our clients knew of your client's entitlement and intellectual property rights over those names.

As far as our clients are concerned the domain name celticman.com was registered while your client was in the employment of Celtic Collections Limited prior to 31 December 2006. Your client is now in fact accepting that she was an employee of Celtic Collections Limited at the material time in question arising out of her claim for unfair dismissal. As far as our clients are concerned it is your client who should assign to Celtic Collections Limited the registration by her of the domain name celticman.ie.

We also call on your client to cease and desist from the breaches of intellectual property rights detailed in our previous letter to you and reserve our client's right to institute proceedings against you in relation to same without further notice in the absence of any undertaking to cease and desist from such user.

Yours faithfully

MATHESON ORMSBY PRENTICE

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PALO ALTO

Chairman Sir Anthony O'Reilly - Managing Partner Liam Ouirke - Partners Graham Richards, Michael Tyrreit, Frank Nowlan, Stuart Margetson, William Prentice, Roderic Ensor, Jamies Hickey, Pauline O'Donovan, Stanley Watson, Robert Herion, Patrick Sweetman, Brian Buppy, Don McAlecse, Paul Genfield, Andrew Ubyle, James Scanlon, Michael Jackson Chris Ouirn, Tim Scanlon, Dei offer Morris, Heen Celly, Stanon Daily, Ruth Hunter, Tony O'Grady, Paraic Madigan, Michael O'Connor, Edward Miller, Tara Doyle, Anne-Maise Bohan, Patrick, Spleer, Britonyoh, Calven, Patrick Moltry Dualta Counihan, Barry twinch Castroina McConagle, Lisa Broderick, Ronan McCoughlin, Richard Stone, Mall Horgan, Damen Leogh, Cara O'Hagan, Leanne Robson, Owen O'Sulviyan, Nicola Palmer saue dia Cama, Christian Dunagh, Bryan Dunagh, Bryan Dunner, Ilabaerth O'Connor, Alstair Payne, Fergus Bolster, Mary Coverey, Ryan, Cacherine Calvin, Greg Lockhart, John Kelly Consultant Solicitors, Hidry Prentice, Lorraine Compton, Michael Irvine, Arthur Motan, Erner Hunt



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You may view a list of submissions or request a company printout which details a company's name and previous name, recompany type, incorporation and annual return details, charges secured against it, directors and secretary, and a list of each that has been received or registered. In the case of an external company, the directors and secretary are not listed, instead responsible for compliance and the person responsible to accept service of process are listed.

List Company Submissions

Request Company Printout

Company

Type

Company

Number

442072

Name

CELTIC THUNDER LIMITED

Address

SCARTON HOUSE CONVENT ROAD

KILDARE

CO KILDARE

Registered

25/06/2007

Status

Normal

Last AR Date

N/A

Next AR Date

25/12/2007

The 'Next AR Date' refers to the statutory Annual Return Date (ARD). This is a date after 1 March 2002 to which an annual return should be made up. If a company has annual returns outstanding for previous

years the obligation to file these returns is a continuing one.

Last Accounts To Date

N/A



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Submission(s) for company: 442072

Select a submission(s) by clicking on the 'Select' checkbox and then click on the 'Request' button below.

The images will be sent to you as TIFF or PDF files. You can choose your preferred format before purchasing your basks not request TIFF images unless you have an image viewer on your PC that can read multipage TIFFs.

Request Reset

	Doc Num		Туре			to Date	(Y/N)	(kb)	Pages	
5204396	1	B10 CHANGE IN DIRECTOR OR SECRETARY	B10 CHANGE IN DIRS/SEC	Registered	28/07/2007	25/06/2007	Yes 30/07/2007	108.8	7	斯
5197588	1	NEW COMPANY WITH MEMO & ARTS WITH CAPITAL DUTY	APPLICATION TO REGISTER AS A NEW				29/06/2007		11	
5197588	3	NEW COMPANY WITH MEMO & ARTS WITH	Certificate	Registered	22/06/2007	7 25/06/2007	Yes 02/07/2007	16.6		

C107500		CAPITAL DUTY	Mamarandum	Dagistarad	22/06/2007	25/06/2007	Yes	403.7	21	[E]
5197588	2	NEW COMPANY WITH MEMO & ARTS WITH CAPITAL DUTY	Memorandum and articles	Registered			29/06/2007			
100000	Doc Num	Sub Type	Doc Type	Status		1		Size (kb)	Pages	Select

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Page 4 of 4

To:

Celtic Man Limited (trademark@ogrp.com)

Subject:

TRADEMARK APPLICATION NO. 77157668 - CELTIC MAN - 671.0011UST1

Sent:

7/31/2007 3:01:46 PM

Sent As:

ECOM101@USPTO.GOV

Attachments:

Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4

Attachment - 5
Attachment - 6

Attachment - 7 Attachment - 8 Attachment - 9

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/157668

MARK: CELTIC MAN

77157668

CORRESPONDENT ADDRESS:

TERRENCE J. MCALLISTER

OHLANDT, GREELEY, RUGGIERO & PERLE,

LLP

1 LANDMARK SQ FL 10 STAMFORD, CT 06901-2619 RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

Celtic Man Limited

CORRESPONDENT'S REFERENCE/DOCKET

NO:

671.0011UST1

CORRESPONDENT E-MAIL ADDRESS:

trademark@ogrp.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 7/31/2007

The assigned examining attorney has reviewed the referenced application and determined the following.

Prior Pending Applications

Information regarding pending Application Serial Nos. 78560737, 78560710 and 78560705 is enclosed. The filing dates of the referenced applications precede applicant's filing date. There may be a likelihood of confusion under Trademark Act Section 2(d) between applicant's mark and the referenced marks. If one or more of the referenced applications registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 et seq. Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed applications.

If applicant believes that there is no potential conflict between this application and the earlier-filed applications, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

Likelihood of Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods and services, so resembles the mark in U.S. Registration No. 3263503 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq*. See the enclosed registration.

Taking into account the relevant *DuPont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co.*, v. Scott Paper Co., 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 et seq.

In the instant case, applicant seeks registration of the mark CELTIC MAN and design for, among other items, "video and/or sound recordings; gramophone records; compact discs; audio tapes, cassettes and cartridges; video tapes, cassettes and cartridges; magnetic tapes, discs and wires all for bearing sound or video recordings; optical discs bearing sound or video recordings; computer software; computer software and publications in electronic form supplied on-line from databases or from the Internet; CD-ROM's; DVD's; digital music, films, video, audio and graphic images (downloadable) provided from computer databases or the Internet; digital music and graphics (downloadable) provided from MP3 Internet web sites," in International Class 009 and "entertainment; sporting and cultural activities; live performances by a vocal and/or instrumental group; sound recording and video entertainment services; television and radio entertainment services; production of video and/or sound recordings; presentation, production and performance of shows, musical shows, concerts, videos, multimedia videos and radio and television programmes; recording, film, video and television studio services; audio, film, video and television recording services; publishing; music publishing; sound recording, film and video production and distribution services; digital music, films, video, audio and graphic images (not downloadable) provided from a computer, the Internet and/or web sites on the Internet; providing on-line electronic publications (not downloadable); publication of books, magazines and other texts on-line; ticket agency, reservation, and information services for entertainment events, shows and concerts; advisory and information services relating to the aforesaid," in

International Class 041.

The mark in U.S. Registration No. 3263503 is CELTIC WOMAN for "entertainment, education, cultural activities and radio and television entertainment services, namely entertainment in the nature of live performances by a musical or dance group or performer, live music concerts and dance performances, and providing television programs in the fields of music and dance; entertainment and educational services, namely production of musical and dance shows, videotape, audiotape, radio and television programs, organizing exhibitions and events for entertainment, educational and cultural purposes in the fields of music and dance; providing a web site featuring musical and dance performances, musical and dance videos, and related film clips, photographs and other multimedia materials in the fields of music and dance," in International Class 041.

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. See e.g., Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce, 228 USPQ 689 (TTAB 1986), aff'd 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); In re Phillips-Van Heusen Corp., 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); In re Corning Glass Works, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); In re Collegian Sportswear Inc., 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); In re Pellerin Milnor Corp., 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); In re BASF A.G., 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §§1207.01(b)(ii) and (b)(iii).

The marks themselves are very similar as to appearance, sound, and overall commercial impression. Both marks contain the term "CELTIC," and this common term creates a similar commercial impression in both marks. In addition, consumers seeing the marks will conclude that the applicant's mark with the term MAN is a logical outgrowth and expansion from the WOMAN in the registered mark and the goods and/or services offered thereunder would originate from the same source but be directed to men. The fact that the proposed mark contains a design element is insufficient to distinguish the marks, as it is well settled that when a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods or services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. Instead, they need only be related in some manner, or the conditions surrounding their marketing be such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods and/or services come from a common source. *On-line Careline Inc. v. America Online Inc.*, 229 F.3d 1080, 56 USPQ2d 1471 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Prods. Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re Int'l Tel. & Tel. Corp.*, 197 USPQ 910 (TTAB 1978); TMEP §1207.01(a)(i). In this case, services are very similar if not identical. Consumers seeing the mark in connection with the recorded products would likely conclude that they arose from the entertainment services offered under the registered mark but, again, would be directed to men. Consumers will likely conclude that the goods and services originate from the same source.

Thus, because both the marks and the goods and services are similar, registration is refused under Section 2(d) of the Trademark Act.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following issues.

Filing Basis

The application specifies both intent to use under Section 1(b) and a claim of priority under Section 44(d) based on a foreign application. 15 U.S.C. §§1051(b) and 1126(d). When an application is filed pursuant to Section 44(d), the USPTO presumes, unless otherwise indicated, that applicant intends to rely upon the resulting foreign registration as a basis for registration in the U.S. TMEP §§806.02(f) and 1003.03.

However, applicant may rely solely on intent to use as the basis for registration, and still claim the benefit of the priority filing date. If applicant wants to rely on intent to use as the sole basis for registration, with the claim of priority, applicant should submit an amendment so advising the undersigned. Once all other outstanding issues are resolved, the mark would be approved for publication without requiring a copy of the foreign registration. TMEP §§806.02(f) and 806.04(b). However, while the mark may be approved for publication, it will not register until an acceptable allegation of use has been filed.

If applicant does not indicate otherwise, the USPTO will presume that applicant is relying on the foreign registration as an additional basis for registration. Thus, the application will not be approved for publication until a copy of the foreign registration and, if appropriate, an English translation signed by the translator, have been filed. TMEP §§1004.01 and 1004.01(b).

Further, if applicant is asserting §44(e) as a basis for registration (based on the foreign registration that will issue from the application that the applicant relied on for priority), then applicant must submit a true copy, photocopy, certification or certified copy of a foreign registration from the applicant's country of origin. Applicant's country of origin must either be a party to a convention or treaty relating to trademarks to which the United States is also a party, or must extend reciprocal registration rights to nationals of the United States by law. See TMEP §§1002.01, 1003.03 and 1004. If the foreign certificate of registration is not written in English, then applicant must provide an English translation signed by the translator. See TMEP §§1004.01 and 1004.01(b).

Identification of Goods and Services

The recitation of goods and services is unacceptable as indefinite because it contains broad categories of goods and services that require further clarification as to their common commercial name, nature, use and purposes. TMEP §1402.01 et seq. In addition, the identification of goods and services contains parentheses. Generally, parentheses and brackets should not be used in identifications. Parenthetical information is permitted in identifications only if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity of the identification, e.g., "obi (Japanese sash)." TMEP §1402.12. Therefore, applicant must remove the parentheses from the identification of goods and services and incorporate the parenthetical information into the description. Further, applicant should note that the position of the semi-colons separates items from one another and thus it is not clear if the catch-alls at the end of certain classes applies to all items listed in the class or just certain items, and thus the items must be changed accordingly. Also, the identification contains duplicative items (e.g., photographs).

As to the clothing items in International Class 025, applicant should note that terminology such as "clothing," "sportswear," and "apparel," are all too broad and indefinite for registration purposes. The applicant in each instance must list each and every specific item of clothing, such as "clothing, namely, shirts, pants, hats, socks and dresses." There are certain classes of clothing which are considered acceptably definite by the Office, these are: beachwear, underwear, footwear, headwear, infantwear, loungewear, neckwear, rainwear, ski wear, sleepwear, swim wear, and tennis wear.

As to the providing of "access" to websites on the Internet, applicant should note that the term "access" in International Class 038 is intended to mean the actual telecommunication access to the Internet and not the providing of content or web pages in any form. This would include acting as an internet service provider.

As to the "distribution" of goods in International Class 041, applicant should note that this term is acceptable for the distribution of motion picture films and television shows. This service involves the actual creation of the motion picture or television program and the accompanying activity of distributing it to movie theatres and television stations for display to the public. This is not the case when distribution relates to videotapes, audio tapes or other hard goods that result from the production of visual or audio entertainment. When these goods are distributed, it is the same as the distribution of any other kind of hard goods by any other manufacturer. For this reason, distribution of videotapes, audio tapes, video disks is not acceptable as a service even when the distribution is linked to the production of these goods. The production of the entertainment product is perfectly acceptable in International Class 041; however, the distribution of the hard goods that result from that production is not a "service."

Lastly, the proposed identification contains goods and services that are classified in more International Classes than for which fees have been paid.

The applicant may adopt the following recitation, if accurate (changes in bold):

"metal keys, metal keyrings key rings, metal key chains; metal name badges; metal holiday ornaments; figurines of common metal and their alloys; non-luminous and non-mechanical metal signs; general purpose metal storage containers; metal money boxes all made of common metals and their alloys; metal key holders," in International Class 006;

"scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, namely, <specify items by common commercial name>; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, <specify items by common commercial name, e.g., electrical connectors, electrical cables, electrical controllers>; automatic vending machines and mechanisms for coin-operated apparatus, namely, <specify nature of mechanisms by common commercial name>; cash registers, calculating machines calculators, data processing equipment, namely, <specify items by common commercial name>; and computers; fire-extinguishing apparatus systems and fire extinguishers; video and/or and sound recordings featuring <specify subject matter, e.g., music, self-improvement, mathematics instruction>; gramophone phonograph records featuring <specify subject matter>; pre-recorded compact discs featuring <specify subject matter>; pre-recorded audio tapes, cassettes and cartridges featuring <specify subject matter>; pre-recorded video tapes, cassettes and cartridges featuring < specify subject matter>; blank magnetic tapes, discs and wires all for bearing sound or video recordings; optical discs bearing sound or video recordings; computer software for <specify the function of the programs, e.g., use in database management, use as a spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use>; downloadable computer software for <specify the function of the programs, e.g., use in database management, use as a

spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use>; downloadable publications in electronic form in the nature of <indicate specific nature of publication> in the field of <indicate subject matter of publication> supplied on-line from databases or from the Internet; blank CD-ROMs for sound or video recording CD-ROM's; <specify blank recordable or pre-recorded> DVD's DVDs <if pre-recorded, specify subject matter>; downloadable digital music, films, video, audio and graphic images (downloadable) provided from computer databases or the Internet; downloadable digital music and graphics (downloadable) provided from MP3 Internet web sites; downloadable ringtones and graphics for mobile phones via the internet and wireless devices; MP3 players; apparatus for recording, transmission or reproduction of sound and images, namely, <specify nature of items by common commercial name, e.g., DVD recorders, audio tape players>; video games, namely, <specify items by common commercial name, e.g., interactive video game programs, video game discs, video game software>; apparatus for games adapted for use with television receivers and computers, namely, video game machines for use with televisions; computer mouses, mouse mats and mouse pads; decorative magnets; eyeglasses, sunglasses and spectacles; parts and fittings for all the aforesaid goods <specify items>," in International Class 009;

"paper, cardboard and goods made from these materials, not included in other classes, namely, <specify items by common commercial name>; printed matter, namely, <specify items by common commercial name>; books in the field of <specify subject matter>; booklets in the field of <specify subject matter>; printed tickets; event programmes; periodic publications, namely, <specify nature of publication, e.g., magazines, newsletters and specify subject matter>; photographs; posters; stickers; bookbinding material, namely, <specify items by common commercial name, e.g., bookbindings, bookbinding wire, bookbinding tape>; photographs; postcards; greeting cards; calendars; stationery; adhesives for stationery or household purposes; artists' materials, namely, <specify items by common commercial name, e.g., artists' brushes, artists' pencils, artists' pastels>; paint brushes; typewriters and office requisites (except furniture) namely, <specify items by common commercial name, e.g., punches, staplers>; printed instructional educational and teaching material (except apparatus) in the field of <specify subject matter>; plastic materials for packaging (not included in other classes) namely, <specify items by common commercial name, e.g., plastic bags for packaging>; printers' type; printing blocks; coasters of paper," in International Class 016;

"articles made of leather or of imitation leather, namely, <specify items by common commercial name>; rucksacks; backpacks; bags, namely <specify items by common commercial name, e.g., all-purpose sport bags, beach bags, duffel bags, carry-all bags>; cases, namely, <specify items by common commercial name, e.g., attaché cases, business card cases, vanity cases sold empty>; wallets, purses, keyholders, luggage; umbrellas and parasols," in International Class 018;

"non-metal key holders," in International Class 020;

"unworked or semi-worked glass (except glass used in not for building) namely, <specify items by common commercial name, e.g., colored sheet glass, common sheet glass, decorative glass>; beverage glassware, beverageware, porcelain and earthenware items, namely, <specify items by common commercial name, e.g., figures, figurines, sculptures, statues> included in class 21; coasters not of paper and not being table linen, removable portable beverage coolers (containers) for drink cans and bottles, trays," in International Class 021;

"cloth coasters," in International Class 024;

"clothing, namely, <specify items by common commercial name, e.g., pants, shirts, shorts, tops, blouses, sweatshirts>, footwear and headgear headwear," in International Class 025;

"ornamental novelty badges of metal," in International Class 026;

"games and playthings, namely, <specify items by common commercial name, e.g., board games, card games, toy vehicles, construction toys, fantasy character toys, mechanical action toys>; sporting articles (not included in other classes) namely, <specify items by common commercial name, e.g., footballs, baseballs, baseballs, dumbbells, exercise machines>; toys, namely, <specify items by common commercial name, e.g., infant toys>, cuddly plush toys, teddy bears, dolls, hand-held unit for playing electronic games; arcade-type electronic video games; hand-held unit for playing video games," in International Class 028;

"telecommunications, namely, <specify services by common commercial name, e.g., telephone communications services, providing fiber optic network services; mobile telecommunication services, namely, < specify services by common commercial name, e.g., mobile telephone communication>; cellular telecommunication services, namely, cellular telephone communication; telecommunication of information (including web pages), computer programmes and any other data, namely, < specify services by common commercial name, e.g., providing telecommunications connections to a global computer network>; electronic mail services; provision of customised display screens on telecommunications apparatus; transfer of data by telecommunications; providing telecommunications connections to the Internet or on-line computer databases; providing telecommunications access to digital music, films, video and audio websites on the Internet; providing telecommunications access to MP3 websites on the Internet; electronic delivery of digital music by the providing of telecommunications access services; provision and operation of electronic discussion groups bulletin boards and on-line chat rooms for transmission of messages among computer users concerning < specify subject matter or general interest>; advisory and information services relating to the aforementioned services providing information and consulting services in the fields of telecommunications, mobile telecommunications, cellular telecommunications, electronic mail services, electronic bulletin boards and chat rooms," in International Class 038;

"education educational services, namely, <specify services by common commercial name, e.g., conducting seminars, workshops and conferences in the field of <specify subject matter>; providing of training in the field of <specify subject matter>; entertainment services, namely, <specify nature of services by common commercial name, e.g., dance performances, preparation of special effects>; sporting and cultural activities, namely, <specify nature of services by common commercial name, e.g., football games, baseball games, organizing community sporting and cultural events>; live performances by a vocal and/or and instrumental group; sound recording and video recording services; television and radio entertainment services, namely, <specify services by common commercial name, e.g., an on-going television programs in the field of {indicate specific field, e.g., news, comedy, variety}, production of radio and television programs>; production of video and/or and sound recordings; presentation, production and performance of <specify type> shows, musical shows, and concerts; production of videos, multimedia videos and radio and television programmes; production of motion

picture recording, film films; video and television studio services; audio, film, video and television recording services; publishing of newspapers, books and magazines; music publishing; sound recording, motion picture film and video production; distribution of motion pictures services; digital music, films, video, audio and graphic images (not downloadable) provided from a computer, the Internet and/or web sites on the Internet; providing on-line non-downloadable electronic publications (not downloadable) in the nature of <indicate specific nature of publication> in the field of <indicate subject matter of publication>; on-line publication of books, magazines and other texts on-line; ticket agency, reservation, and information services for entertainment events, shows and concerts; advisory and information services relating to the aforesaid providing information and consultation in the field of educational and training services in the field of <specify>, entertainment, namely, <specify subject matter of entertainment information>, sports, audio and video recording and production, publishing, and ticket agencies," in International Class 041;

"provision of customized display screens on telecommunications apparatus, namely, providing customized on-line web pages featuring user-defined information, which includes search engines and on-line web links to other web sites," in International Class 042.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the goods and services recited in the present identification. The applicant is also encouraged to visit the website of the U.S. Patent and Trademark Office to access the Acceptable Identification of Goods and Services Manual which may be helpful in formulating an identification should the above suggestion be unacceptable or inaccurate. The website may be found at http://www.uspto.gov. Applicant should also note that the decision as to the proper classification of goods or services is a purely administrative matter which is within the sole discretion of the United States Patent and Trademark Office. *In re Tee#Pak, Inc.*, 164 USPQ 88 (TTAB 1969).

The application identifies goods and services that are classified in at least 13 classes; however, the fees submitted are sufficient for only 9 classes. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810-810.01 and 1403.01.

Therefore, applicant must either: (1) restrict the application to the number of class(es) covered by the fee(s) already paid, or (2) submit the fees for the additional class(es).

If applicant prosecutes this application as a combined, or multiple-class application, applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b) and a foreign registration under Trademark Act Section 44(e):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order; and
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at http://www.uspto.gov).

37 C.F.R. §2.86(a)(2); TMEP §§810 and 1403.01.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Michael P. Keating/

Trademark Attorney

Law Office 101

(571) 272-9177

(571) 273-9101 (fax)

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office Action should be filed using the Office's Response to Office action form available at http://www.uspto.gov/teas/eTEASpageD.htm. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Jul 30, 2007 78560705 Issue: 0000/00/00

DESIGN MARK

Serial Number

78560705

Status

PUBLISHED FOR OPPOSITION

Word Mark

CELTIC WOMAN

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CELTIC WOMAN LTD. CORPORATION IRELAND 32 LOWER LESSON STREET DUBLIN 2 IRELAND

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Series of musical sound recordings and prerecorded compact discs, videotapes, CD-ROMs, DVDs, all featuring music and/or dance; downloadable audio and video recordings featuring music and/or dance. First Use: 2005/03/01. First Use In Commerce: 2005/03/01.

Filing Date

2005/02/04

Amended Register Date

2007/03/15

Examining Attorney

BEVERLY, JOSETTE

Attorney of Record

AMY B. SPAGNOLE

CELTIC WOMAN

Print: Jul 30, 2007 78560710 Issue: 0000/00/00

DESIGN MARK

Serial Number

78560710

Status

PUBLISHED FOR OPPOSITION

Word Mark

CELTIC WOMAN

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CELTIC WOMAN LTD. CORPORATION IRELAND 32 LOWER LESSON STREET DUBLIN 2 IRELAND

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, paper and stationery products, namely, posters, poster books, calendars, concert souvenir programs, stickers, bumper stickers, decals, postcards, picture postcards, stationery, photographs, printed paper signs, and tickets. First Use: 2005/07/20. First Use In Commerce: 2005/07/20.

Filing Date

2005/02/04

Amended Register Date

2007/03/15

Examining Attorney

BEVERLY, JOSETTE

Attorney of Record

AMY B. SPAGNOLE

CELTIC WOMAN

Print: Jul 30, 2007 78560728

DESIGN MARK

Serial Number

78560728

Status

REGISTERED

Word Mark

CELTIC WOMAN

Standard Character Mark

Yes

Registration Number

3263503

Date Registered

2007/07/10

Type of Mark

SERVICE MARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CELTIC WOMAN LTD. CORPORATION IRELAND 32 LOWER LESSON STREET DUBLIN 2 IRELAND

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Entertainment, education, cultural activities and radio and television entertainment services, namely entertainment in the nature of live performances by a musical or dance group or performer, live music concerts and dance performances, and providing television programs in the fields of music and dance; entertainment and educational services, namely production of musical and dance shows, videotape, audiotape, radio and television programs, organizing exhibitions and events for entertainment, educational and cultural purposes in the fields of music and dance; providing a web site featuring musical and dance performances, musical and dance videos, and related film clips, photographs and other multimedia materials in the fields of music and dance. First Use: 2005/03/17. First Use In Commerce: 2005/03/17.

Filing Date

2005/02/04

Print: Jul 30, 2007

78560728

Amended Register Date 2006/10/31

Examining Attorney BEVERLY, JOSETTE

CELTIC WOMAN

Print: Jul 30, 2007 78560737 Issue: 0000/00/00

DESIGN MARK

Serial Number

78560737

Status

PUBLISHED FOR OPPOSITION

Word Mark

CELTIC WOMAN

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CELTIC WOMAN LTD. CORPORATION IRELAND 32 LOWER LESSON STREET DUBLIN 2 IRELAND

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, shirts, polo shirts, T-shirts, athletic uniforms, tops, sweat pants, jackets, caps, hats, aprons, scarves, singlets, socks, loungewear. First Use: 2005/07/20. First Use In Commerce: 2005/07/20.

Filing Date

2005/02/04

Amended Register Date

2007/03/15

Examining Attorney

BEVERLY, JOSETTE

Attorney of Record

Deborah L. Benson; Amy B. Spagnole; William Loginov; Brian Matross; Karen L. Feisthamel

CELTIC WOMAN

To: Celtic Man Limited (trademark@ogrp.com)

Subject: TRADEMARK APPLICATION NO. 77157668 - CELTIC MAN - 671.0011UST1

Sent: 7/31/2007 3:01:49 PM

Sent As: ECOM101@USPTO.GOV

Attachments:

IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 7/31/2007 FOR APPLICATION SERIAL NO. 77157668

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://portal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77157668&doc_type=OOA&mail_date=2007073 (or copy and paste this URL into the address field of your browser), or visit http://portal.uspto.gov/external/portal/tow and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable <u>response time period</u>. Your response deadline will be calculated from 7/31/2007.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at http://www.uspto.gov/teas/eTEASpageD.htm.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.
- 2. Failure to file any required response by the applicable deadline will result in the <u>ABANDONMENT</u> of your application.

<u>CELTIC MAN</u> PROMOTIONAL DVD

Case 1:08-cv-00066-TPG Document 12-25 Filed 01/10/2008 Page 1 of 2

Spagnole, Amy B.

rom:

McMullan, Alasdair [Alasdair.McMullan@EMICAP.COM]

int:

Friday, December 14, 2007 4:33 PM

J:

Spagnole, Amy B.

Subject:

FW: EMI Distribution

----Original Message----

From: Sharon Browne [mailto:sharonbrowne@mac.com]

Sent: Sunday, November 04, 2007 8:21 PM

To: D'Urbano, David Cc: Ames, Roger

Subject: Re: EMI Distribution

Hi Dave

That's OK, I figured as much.

Don't worry, other than me, there is and will be no association with Celtic Woman and my new show.

Believe it or not I want it that way too.

Regards Sharon

On 2 Nov 2007, at 22:34, D'Urbano, David wrote:

maron,

I reviewed the contracts and it is clear that this project with or without the DVD is prohibited without CW approval for any EMI company, including distribution companies and international affiliates. I also spoke to Dave about his conversations with Gustavo, and these have since ended as CWL does not want to be involved in this project.

While we apprecitate your interest in working with EMI and wish the best for your success, EMI can not in any way be involved in this project. I also want to make sure you're aware that CWL and EMI will aggressively act to protect our interests in the event that your project infinges on the Celtic Woman trademarks, or if there is any suggestion that Celtic Woman is promoting, presenting, supporting or otherwise connected to your show.

Kind Regards, Dave

asic from EMI

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his email is from a unit or subsidiary of EMI Group Limited.

Registered Office: 27 Wrights Lane, London W8 5SW

Registered in England No 229231.

1 mm m 1

Spagnole, Amy B.

rom:

McMullan, Alasdair [Alasdair.McMullan@EMICAP.COM]

int:

Friday, December 14, 2007 4:33 PM

ు: Subject: Spagnole, Amy B. FW: EMI Distribution

----Original Message----

From: Sharon Browne [mailto:sharonbrowne@mac.com]

Sent: Sunday, November 04, 2007 8:21 PM

To: D'Urbano, David Cc: Ames, Roger

Subject: Re: EMI Distribution

Hi Dave

That's OK, I figured as much.

Don't worry, other than me, there is and will be no association with Celtic Woman and my new show.

Believe it or not I want it that way too.

Regards Sharon

On 2 Nov 2007, at 22:34, D'Urbano, David wrote:

. naron,

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Kind Regards,

Dave

asic from EMI

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21 E 126.

Case 1:08-cv-00066-TPG Document 12-27 Filed 01/10/2008 Page 1-of 2 COMPLETE REGISTRATIONS LIMITED 2

REGISTRARS AND SECRETARIES

32 Lower Leeson Street, Dublin 2, Ireland. Tel: +353 (0) 1 708 8400 Fax: +353 (0) 1 708 8401

Hi Alexa,

20th November 2007

I have enclosed a copy of the letter of objection sent by the company secretary of Celtic Woman Limited to the Registrar of Companies in Ireland in relation to the registration of the company Celtic Man Limited.

This complaint was acknowledged by the Companies Registration Office and the Registrar of Companies has taken the following steps in this regard;

The Registrar considered the matter and formed the opinion that the name "Celtic Man Limited" would have to changed so as not to infringe on the company Celtic Woman Limited.

The Registrar wrote to the company secretary of Celtic Man Limited pursuant to Section 23(2) of the Companies Act 1963 (as amended by Section 87 of the Company Law Enforcement Act, 2001), directing Celtic Man Limited to change its name within a specific i period.

The Registrar also informed Celtic Man Limited that if the company did not change its name within the period stipulated, that the company and its officers would be served notice requiring them to make good this default within 14 days.

It was also confirmed that the Registrar is empowered to apply forthwith to the High Court for any order to make good the default and to seek an order for costs.

To date we await confirmation of developments from the Registrar of Companies, I will keep you informed as to progress.

Yours Sincerely,

Rephen McClure

Complete Registrations Limited

REGISTRARS AND SECRETARIES

32 Lower Leeson Street, Dublin 2, Ireland. Tel: +353 (o) 1 708 8400 Fax: +353 (o) 1 708 8401

Mr. Pat Daly New Companies Section Companies Registration Office Pamell House 14 Parnell Square Dublin 1



4th April 2007

Re: Letter of Objection Celtic Man Ltd

Dear Mr Daly,

I, Stephen McClure, Director of Complete Registration Limited act as Secretary of Celtic Woman Limited, of 32 Lower Leeson Street, Dublin 2, would like to object to the registration of the company Celtic Man Limited for the following reasons.

- Our company Celtic Woman Limited currently produces DVD's, CD's and is currently touring the USA with the Show "Celtic Woman" a very successful production.
- We currently hold Celtic Woman.com and Celtic Man,com and both activities are exactly the same as our web site says.
- Celtic Man will be filmed in Dublin in August 2007 for broad cast on PBS in the USA.
- We feel that the name is to similar and it would give the wrong impression to the general Public and suppliers
- Business activities are exactly the same
- The Director of Celtic Man Limited Sharon Browne previously held a position in Celtic Woman Ltd as Director and Producer.

We strongly object to the above name as the impression given is that it is associated with Celtic Woman Ltd, which is not correct and are forming on our success by passing off as Celtic Woman Ltd.

Yours Sincenely,

Complete Registrations Limited



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Creator of Best-Selling Irish Musical Phenomenon 'Celtic Woman' Launches Brand-New Show



Manipulated Image: Celtic Man in Celtic Thunder. (PRNewsFoto/Celtic Thunder Limited)

NEW YORK, NY UNITED STATES

SINGING SENSATION "CELTIC MAN" TO BE FEATURED ON PUBLIC TELEVISION SPECIAL, CELTIC THUNDER, AIRING IN MARCH 2008

NEW YORK, Dec. 11 /PRNewswire/ -- Sharon Browne, creator and former producer of the chart-topping Irish musical ensemble Celtic Woman, will introduce her brand-new show, entitled Celtic Man in Celtic Thunder, which features five male vocalists, collectively called Celtic Man, to U.S. audiences with a public television special to be broadcast nationally in March 2008. The special will be distributed by WLIW New York.

(Photo: http://www.newscom.com/cgi-bin/prnh/20071211/NYTU068)

For Celtic Thunder, Browne has teamed up with Grammy-nominated Irish songwriting and composing veteran Phil Coulter to produce a show that includes an eclectic mix of songs ranging from the traditional "Mountains of Mourne" and "Come By the Hills" to international hits such as "Brothers in Arms" and "Desperado," as well as original compositions by Coulter, who has written hits for Elvis Presley ("My Boy") and the Bay City Rollers, and performed with Van Morrison, Tom Jones, and the Rolling Stones. The ensemble numbers in Celtic Thunder reflect the power of the soloists, who range in age from 14 to 40, and feature songs that celebrate a common Celtic heritage.

"My concept for Celtic Man was to feature real men of different ages from Ireland and Scotland, " says Browne. "The guys -- Damien McGinty, Keith Harkin, Ryan Kelly, Paul Byrom, and George Donaldson -- are a real range of Celts. These men are good-looking in a not-too-pretty way, strong, silent,

quietly powerful, and just a little threatening. There are enough boy bands out there -- it's time for some real men!"

Browne is a 20-year music business veteran who, prior to Celtic Thunder, launched Ireland's premier music label Celtic Collections in 1996, and developed and produced the phenomenally successful Celtic Woman show, which featured five stunning female soloists.

Celtic Man in Celtic Thunder was filmed in the Helix in Dublin in August 2007. A CD/DVD of the show will be distributed in the U.S. by Universal's Decca label beginning February 26th, 2008. In addition, a 50-city tour is scheduled for Fall 2008. Celtic Man in Celtic Thunder, will air on local public television stations beginning March 2008, and viewers who support the stations during their fundraising campaign will have the first opportunity to get tickets for the Fall tour, as well as a special edition of the CD and DVD with bonus material.

http://www.celticman.net

For more information, please contact: Pamela Murphy at Align Entertainment Group Office 646.596.8700 Cell 917.498.0802 pamela@aligneg.com

SOURCE Celtic Thunder Limited

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Mixmasters of cool: Variety is what they spin

By Jeremy Egner

ost people have experienced it-that moment when jangling guitars, a slinky bass groove, a thumping backbeat, a tricky turn of vocal phrasing or all of the above coalesce in just the right way to send a bright bolt of energy from your ears to your gut. Goosebumps rise on your arms, or maybe a dopey grin crosses your mug.

Throw in the thrill of discovery, when the visceral response comes courtesy of an artist you've never heard before, and the kicks herald something deeper and rewarding. It's an experience public radio's eclectic-music stations, such as Seattle's KEXP, WXPN

in Philadelphia and the upstart RadioMilwaukee, as well as split-format outlets such as Austin's KUT or KCRW in Santa Monica, Calif., strive to produce over and over for listeners every day by mixing a kaleidoscopic array of smart, talented acts in ways that make disparate artists sound natural when played side by side.

Just over 30 pubradio stations call themselves full-time Triple A, by Arbitron's count, and about 150 more say they've got eclectic formats at least part of the time.

Often lumped under the Triple A (Adult Album Alternative) heading, these public radio stations venture far beyond the commercial Triple A format in playlist diversity, say their programmers and consultants who work with the stations.

They say these stations offer a clear public service to adventurous, open-minded music lovers ignored by commercial radio and appeal to the educated, culturally curious folks that consultants claim naturally gravitate toward pubradio.

The playlists encompass powerhouse pan-generational arena acts such as Radiohead and Bruce Springsteen, urban-flavored artists such the London dance-hop phenom M.I.A., alt-country songwriters such as Lucinda Williams, alterna-faves both old and new such as the Cure and the Silversun Pickups, and thousands of other artists from all over the musical map.

"It's a somewhat formless format," said Bruce Warren, assistant g.m. for programming at WXPN. "We're into cool music and want others to be into cool music."

Whatever you want to call it, the approach has become increasingly popular over the

Continued on page A10

Docu

Finding Milwaukee's multiracial populist mix **B1** Classical choices: survival, discs, aspirations B3



The NewsHour adds five hours of HD to PBS's schedule this week. Above: workers B10 at WETA prep three new back-to-back sets for the HD debut. (Photo: Current.)

Consortium outlines vision for Latino pubradio service

By Karen Everhart

newly formed consortium of Latino public broadcasters is calling for public radio to expand its service to the nation's growing Hispanic population by creating multiple program services and strengthening Latino-controlled public radio stations.

On a different track, CPB is seeking an organization to launch a new Englishlanguage pubradio service for Latinos in Los Angeles. Proposals are due Jan. 17.

The new Latino Public Radio

Consortium, founded by a group convened with CPB aid by the National Federation of Community Broadcasters this summer, prepared what it calls a "brown paper" to start a system-wide conversation about service to the country's 44 million Latinos.

"Many public broadcasters-and the system as a whole-cannot succeed in their public service mission if they fail to include Latino voices and perspectives," the consortium members wrote. "Locally, many stations cannot accurately reflect their communities if

Continued on page A8

Fine-tuning a public TV pitch that resonates What feels really good: helping others 'be more'

By Katy June-Friesen

BS gives everyone the opportunity to explore new worlds"-this is the meaning that station communications to viewers and donors should evoke, the network says.

PBS plans to test new messages with stations and make a new round of spots for its "Be More" brand campaign based on new research about language that moves people to donate to pubTV.

The network's goal is to create more consistent messaging across the system, says Judy

Braune, v.p. of strategy and brand management. "When we set out to do the research," she says, "we were looking to answer the question, 'How can we position PBS stations as a cause that people want to support for the long haul?"

PBS discussed the research findings at the PBS Development Conference in October and will review them at the PBS Content Summit in January and at PBS Showcase in May. In March, PBS plans to supply stations with new messaging materials to use on-air, online, and in direct mail and e-mail fundraising efforts.

Be part of something meaningful

"People have a whole variety of reasons why they give" to pubTV, says Margaret Mark, whose company, Strategic Insight Inc., conducted the research. "Some of them feel a direct benefit, some of them give on impulse because they've just seen a show they think is really wonderful, and some of them give because they watch PBS a lot and they feel . they should be contributing to it.

"They're all legitimate reasons to give," Mark continued, "but what we found in this

Continued on page A6



Coming March 2008

From the Creator of Celtic Woman

A performance special that draws on the power of Celtic pride and five strong voices.

Station tickets • Pledge event on location in Ireland



For more information contact: ...
Gillian Rose at 212.560.6921 or RoseG@wliw.org



others. Sharon was the originator and Producer of CELTIC WOMAN. It was a

change in her career, moving into creating and producing Television Shows and Live Tours along with the CD's and DVD's she was used to working on. And now, it's time for a new challenge. And that Challenge is CELTIC MAN.

Wolfetones, The Furey Bros & Davey Arthur, Bagatelle, Paddy Reilly, Jim Mc

independent and Irish owned label. Her focus moved to representing the

catalogues of big Irish names such as Phil Coulter, The Dubliners, The Cann etc throughout the world. Sharon further developed the label by

venturing into more Contemporary Irish music and World music releasing

albums of Clannad, Altan and Bohinta and began investing in young Irish

female vocalists such as Chloe, Meav, Lisa, Aine Furey, Aoife, Rua and

Sharon Browne has been working in the music business for over 20 years.

Her management buy in 1996 of K-Tel in Ireland created what was to

become Ireland's Premier Irish Music Label - Celtic Collections, an

Dublin in this summer for broadcast on PBS in the USA. A tour of the USA is currently being planned for the Spring of next year. See www.celticman.ie for

Director and Composer of Original Material. CELTIC MAN will be filmed in

Coulter has agreed to collaborate on Celtic Man as the show's Musical

next step. Sharon is delighted that legendary Songwriter and Composer Phil

Concieved at the same time as Celtic Woman, it was always going to be her

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Sharon



SHARON BROWNE Producer'

42 years old Female reland Dublin

Last Login: 1/5/2008

View My: Pics | Videos

MySpace URL:

http://www.myspace.com/sharonbrowne

Music

Sharon's Interests

Caravan

Sharon's Friend Space

Sharon has 12 friends.

Who I'd like to meet:

"KEITH&qu

Celticman

The

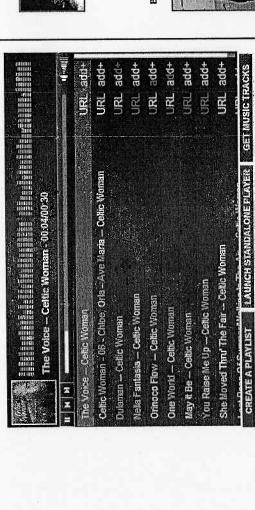
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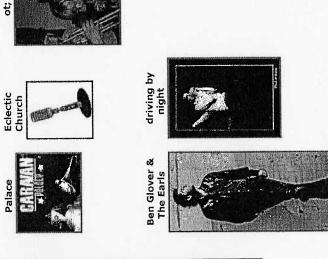
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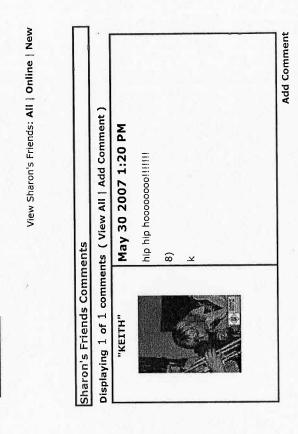
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Sharon's Details

MySpace.com - Sharon - 42 - Female - IE - www.myspace.com/sharonbrowne







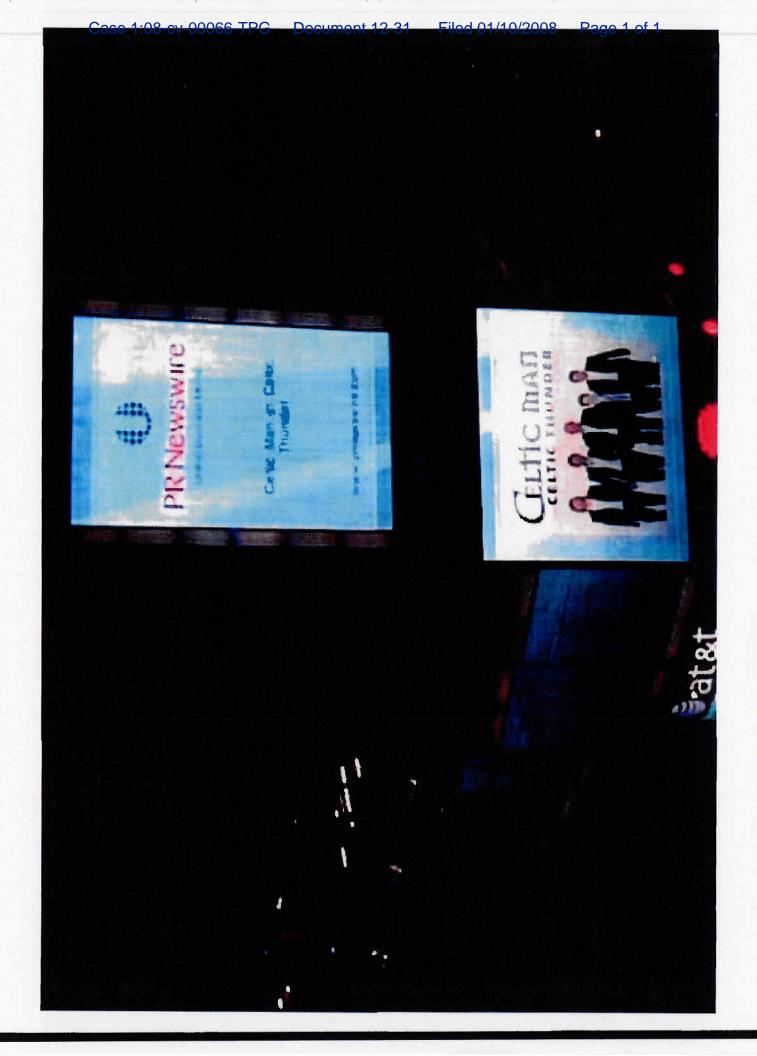
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MySpace.com - Sharon - 42 - Female - IE - www.myspace.com/sharonbrowne



CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2008, I caused a true and correct copy of the foregoing Plaintiff Celtic Woman Ltd.'s Motion for Preliminary Injunction, Declaration of David Kavanagh with accompanying exhibits, Declaration of Jonathan Hochwald, and Declaration of Peter Herbert to be served upon Defendant via hand delivery addressed as follows:

WLIW, LLC 450 West 33rd Street New York, N.Y. 10001

Richard S. Mandel